

Friday
August 26, 1988



Federal Register

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- WHAT:** Free public briefings (approximately 3 hours) to present:
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 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: September 13; at 9:00 a.m.

WHERE: Office of the Federal Register,
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RESERVATIONS: Doris Tucker, 202-523-3419

CHICAGO, IL

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Contents

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

Agricultural Marketing Service

See also Packers and Stockyards Administration

RULES

Lemons grown in California and Arizona, 32595

Onions grown in Idaho and Oregon, 32595

PROPOSED RULES

Milk marketing orders:

Nashville, TN, 32623

Agriculture Department

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Packers and Stockyards Administration

Air Force Department

NOTICES

Meetings:

Scientific Advisory Board, 32642

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products (quarantine):

Brucellosis; CITE test, 32602

Army Department

NOTICES

Meetings:

Science Board, 32643

(2 documents)

Blind and Other Severely Handicapped, Committee for Purchase From

See Committee for Purchase From the Blind and Other Severely Handicapped

Centers for Disease Control

NOTICES

Grants and cooperative agreements; availability, etc.:

Acquired Immunodeficiency Syndrome (AIDS)—

State dental public health programs, 32697

Meetings:

Second National Injury Control Conference, 32698

Commerce Department

See Export Administration Bureau; National Oceanic and Atmospheric Administration

Committee for Purchase From the Blind and Other Severely Handicapped

NOTICES

Procurement list, 1988:

Additions and deletions, 32641

(2 documents)

Additions and deletions; correction, 32641

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

Pakistan, 32640

Export visa requirements; certification, waivers, etc.:

India, 32641

Customs Service

NOTICES

Outlaw aircraft, vessel, and land conveyance program:

Joint law enforcement program development; encouraging citizens to report suspicious activities that may involve drug smuggling, 32814

Defense Department

See also Air Force Department; Army Department

RULES

Acquisition regulations:

Best and final offers (BAFOs), 32620

Sensitive conventional arms, ammunition, and explosives at contractor facilities; physical security, 32620

NOTICES

Committees; establishment, renewal, termination, etc.:

Dependents' Education Advisory Council, 32642

Education of Handicapped Dependents, Overseas

Dependents Schools National Advisory Panel, 32642

Meetings:

Science Board task forces, 32642

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.:

Jopat Drugs, Inc., 32798

Paramount II Pharmacy et al.; correction, 32821

Schwarz, Henry J., Jr., M.D., 32798

Economic Regulatory Administration

NOTICES

Natural gas exportation and importation:

Consolidated Fuel Corp., 32645

Powerplant and industrial fuel use; new electric powerplant coal capability; compliance certifications:

Tenaska III, Inc., 32646

Education Department

NOTICES

Education Appeal Board hearings:

Applications for review, 32643

Employment Standards Administration

NOTICES

Minimum wages for Federal and federally-assisted

construction; general wage determination decisions, 32798

Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

NOTICES

Grants and cooperative agreement awards:

Virginia Coal Council, 32644

Environmental Protection Agency**PROPOSED RULES**

Water pollution control:

Ocean dumping; site designations—

Pacific Ocean offshore San Diego, CA, 32628

NOTICES

Environmental statements; availability, etc.:

Agency statements—

Comment availability, 32654

Weekly receipts, 32655

Health risk assessment; guidelines, etc.:

Carcinogens, 32656

Female and male reproductive risk, 32658

Pesticide, food, and feed additive petitions:

ATL Enterprises, Inc., et al.; correction, 32820

Toxic and hazardous substances control:

Premanufacture notices receipts; correction, 32820

Executive Office of the President

See Presidential Documents

Export Administration Bureau**NOTICES**

Export privileges, actions affecting:

Marli S.A. et al., 32637

Purchasing Pool Co., 32638

Farmers Home Administration**RULES**

Program regulations:

Agricultural loan mediation program, 32597

Federal Aviation Administration**RULES**

Air traffic operating and flight rules:

Special Federal Aviation Regulation No. 50; Grand

Canyon National Park; flight rules in vicinity

Correction, 32603

Federal Communications Commission**PROPOSED RULES**

Radio stations; table of assignments:

Alabama, 32633

Arkansas, 32633

Georgia, 32634

Montana, 32634

NOTICES*Applications, hearings, determinations, etc.:*

Joy FM Ltd. Partnership et al., 32658

Oceans Waves Broadcasting et al., 32659

Paiva Ltd. et al., 32659

R & B Communications Inc. et al., 32659

Stevenson, Adlai E. IV, et al., 32660

Tarkenton, Stephen D., et al., 32660

Federal Deposit Insurance Corporation**NOTICES**

Meetings; Sunshine Act, 32819

Federal Energy Regulatory Commission**PROPOSED RULES**

Electric utilities (Federal Power Act):

Accounting for phase-in plans, 32625

NOTICES

Electric rate, small power production, and interlocking directorate filings, etc.:

GWF Power Systems Co., Inc., et al., 32646

Hydroelectric applications, 32648

Natural gas certificate filings:

Texas Gas Transmission Corp. et al., 32649

Applications, hearings, determinations, etc.:

DeCleva, Paul, 32650

Granite State Gas Transmission, Inc., 32651

North Penn Gas Co., 32651

Pennsylvania Power & Light Co., 32650

Texas Eastern Transmission Corp., 32650

Federal Highway Administration**RULES**

Engineering and traffic operations:

National bridge inspection standards; frequency of inspection and inventory, 32611

Federal Maritime Commission**NOTICES**

Agency information collection activities under OMB review, 32660

Investigations, hearings, petitions, etc.:

Guam Chamber of Commerce, 32661

Meetings; Sunshine Act, 32819

Shipping Act of 1984:

Korea; laws, regulations and policies, 32663

Shipping Act of 1984; section 16 exemption; applications, etc.:

Banfi Products Corp. et al., 32661

Federal Reserve System**RULES**

Extension of credit by Federal Reserve banks (Regulation A):

Discount rates increase, 32602

NOTICES

Federal Open Market Committee:

Domestic policy directives, 32664

Applications, hearings, determinations, etc.:

First Bancorporation of Ohio, 32665

George Klein Share of Family Trust, 32665

Fish and Wildlife Service**RULES**

Endangered and threatened species:

Erubia, 32827

Hinckley oak, 32824

PROPOSED RULES

Migratory bird permits:

Depredation control orders; modification, 32634

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:

Sponsor name and address changes—

Veterinary Laboratories, Inc., 32610

Food additives:

Adhesive coatings and components—

Pentasodium diethylenetriaminepentaacetate and trisodium N-

hydroxyethylethylenediaminetriacetate, 32605

Human drugs

Antibiotic drugs—

Minocycline hydrochloride, 32606

NOTICES

Food additive petitions:

Hoechst-Celanese, Inc., 32698

Medical devices:

- Patent extension; regulatory review period determinations—
- Sensor Model Kelvin 500 unipolar pulse generator, etc., 32700

Medical devices; premarket approval:

- Intra-articular prosthetic knee ligament devices; guidance document availability, 32699

Forest Service**NOTICES**

- Boundary establishment, descriptions, etc.:
- Umpqua National Forest, OR; correction, 32820

General Services Administration**RULES**

- Acquisition regulations:
- Miscellaneous amendments
- Correction, 32820

Harry S. Truman Scholarship Foundation**NOTICES**

- Meetings; Sunshine Act, 32819

Health and Human Services Department

See also Centers for Disease Control; Food and Drug Administration

NOTICES

- Agency information collection activities under OMB review, 32665-32696
- (3 documents)

Hearings and Appeals Office, Energy Department**NOTICES**

- Decisions and orders, 32652

Housing and Urban Development Department**NOTICES**

- Lead-based paint abatement demonstration program, 32701

Interior Department

See Fish and Wildlife Service; Land Management Bureau; National Park Service; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service**RULES**

- Income taxes:
- Listed property leasing; inclusion amounts
- Correction, 32821

International Trade Administration

See Export Administration Bureau

Justice Department

See Drug Enforcement Administration

Labor Department

See Employment Standards Administration; Mine Safety and Health Administration

Land Management Bureau**PROPOSED RULES**

- Coal management:
- Exploration and mining operations; diligence requirements, 32631

NOTICES

- Realty actions; sales, leases, etc.:
- California, 32702

Withdrawal and reservation of lands:

- Colorado; correction, 32821

Management and Budget Office**NOTICES**

- Balanced Budget and Emergency Deficit Control Reaffirmation Act (Gramm-Rudman-Hollings amendments):
- Sequestration report to President and Congress, 32832

Merit Systems Protection Board**PROPOSED RULES**

- Special Counsel Office:
- Freedom of Information Act; implementation
- Address changes, 32623

Mine Safety and Health Administration**NOTICES**

- Safety standard petitions:
- Rushton Mining Co., 32799

National Aeronautics and Space Administration**NOTICES**

- Meetings:
- Aeronautics Advisory Committee, 32799

National Highway Traffic Safety Administration**NOTICES**

- Meetings:
- Rulemaking, research, and enforcement programs, 32809

National Institute for Occupational Safety and Health

See Centers for Disease Control

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

- Pacific coast groundfish, 32621
- Tuna, Atlantic fisheries, 32621

NOTICES

- Meetings:
- Caribbean Fishery Management Council, 32639
- Gulf of Mexico Fishery Management Council, 32639
- North Pacific Fishery Management Council, 32640

National Park Service**NOTICES**

- Environmental statements; availability, etc.:
- Bering Land Bridge National Preserve, AK, 32796
- Gates of Arctic National Park and Preserve, AK, 32796
- Jean Lafitte National Historical Park, LA, 32796
- Kenai Fjords National Park, AK, 32796
- Lake Clark National Park and Preserve, AK, 32797
- Wrangell-St. Elias National Park and Preserve, AK, 32797
- Yukon-Charley Rivers National Preserve, AK, 32797
- Meetings:
- Blackstone River Valley National Heritage Corridor Commission, 32797

Nuclear Regulatory Commission**PROPOSED RULES**

- Rulemaking petitions:
- Young, Charles, 32624

NOTICES

- Environmental statements; availability, etc.:
- Houston Lighting & Power Co. et al., 32800
- Meetings:
- International Nuclear Power Plant Aging Symposium, 32801

Reactor Safeguards Advisory Committee, 32801
Regulatory guides; issuance, availability, and withdrawal,
32802
(2 documents)

Applications, hearings, determinations, etc.:

Commonwealth Edison Co., 32803
Kansas Gas & Electric Co. et al., 32804
Public Service Co. of New Hampshire, 32805
Southern California Edison Co. et al., 32807

Packers and Stockyards Administration

PROPOSED RULES

Poultry, 32624

Presidential Documents

ADMINISTRATIVE ORDERS

Balanced Budget and Emergency Deficit Control
Reaffirmation Act (Gramm-Rudman-Hollings
amendments):
Initial sequestration order (Order of August 25, 1988),
32881

Public Health Service

See Centers for Disease Control; Food and Drug
Administration

Reclamation Bureau

NOTICES

Agency information collection activities under OMB review,
32702, 32719
(2 documents)

Securities and Exchange Commission

RULES

Interpretative, no-action, and certain exemption letters;
expedited publication, 32604

NOTICES

Agency information collection activities under OMB review,
32807

Self-regulatory organizations; proposed rule changes:
Pacific Stock Exchange, Inc., 32808

Applications, hearings, determinations, etc.:

Virginia Electric & Power Co., 32808

Sentencing Commission, United States

See United States Sentencing Commission

Small Business Administration

PROPOSED RULES

Small business size standards:
Refuse and garbage collection services
correction, 32821

State Department

PROPOSED RULES

Freedom of Information Act; implementation, 32626

Surface Mining Reclamation and Enforcement Office

RULES

Permanent program and abandoned mine land reclamation
plan submissions:
West Virginia, 32617

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Transportation Department

See Federal Aviation Administration; Federal Highway
Administration; National Highway Traffic Safety
Administration

Treasury Department

See also Customs Service; Internal Revenue Service

NOTICES

Agency information collection activities under OMB review,
32809, 32810
(4 documents)

Notes, Treasury:

AE-1990 series, 32811

M-1993 series, 32812

Truman, Harry S., Scholarship Foundation

See Harry S. Truman Scholarship Foundation

United States Information Agency

NOTICES

Grants; availability, etc.:

Private non-profit organizations in support of
international educational and cultural activities,
32815

United States Sentencing Commission

NOTICES

Hearings, 32815

Veterans Administration

RULES

Vocational rehabilitation and education:

Vocational Rehabilitation and Counseling Officer;
discontinuance actions, special review, 32619

PROPOSED RULES

Adjudication; pensions, compensation, dependency, etc.:
Impaired hearing; determination of service connection,
32627

NOTICES

Agency information collection activities under OMB review,
32816
(2 documents)

Separate Parts in This Issue

Part II

Department of the Interior, Fish and Wildlife Service, 32824

Part III

Office of Management and Budget, 32832

Part IV

The President, 32881

Reader Aids

Additional information, including a list of public
laws, telephone numbers, and finding aids, appears
in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR	48 CFR
Administrative Orders:	204..... 32620
Orders:	215..... 32620
August 25, 1988..... 32881	223..... 32620
5 CFR	252..... 32620
Proposed Rules:	553..... 32820
1253..... 32623	50 CFR
1260..... 32623	17 (2 documents)..... 32824,
7 CFR	32827
910..... 32595	285..... 32621
958..... 32595	663..... 32621
1946..... 32596	Proposed Rules:
Proposed Rules:	21..... 32634
1098..... 32623	
9 CFR	
78..... 32602	
Proposed Rules:	
201..... 32624	
203..... 32624	
10 CFR	
Proposed Rules:	
50..... 32624	
12 CFR	
201..... 32602	
13 CFR	
Proposed Rules:	
121..... 32821	
14 CFR	
91..... 32603	
135..... 32603	
17 CFR	
200..... 32604	
18 CFR	
Proposed Rules:	
101..... 32625	
21 CFR	
175..... 32605	
436..... 32606	
446..... 32606	
510..... 32610	
522..... 32610	
524..... 32610	
22 CFR	
Proposed Rules:	
171..... 32626	
23 CFR	
650..... 32611	
26 CFR	
1..... 32821	
30 CFR	
948..... 32617	
38 CFR	
21..... 32619	
Proposed Rules:	
3..... 32627	
40 CFR	
Proposed Rules:	
228..... 32628	
43 CFR	
Proposed Rules:	
3480..... 32631	
47 CFR	
Proposed Rules:	
73 (4 documents)..... 32633,	
32634	

Rules and Regulations

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 628]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 628 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 335,141 cartons during the period August 28 through September 3, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 628 (§ 910.928) is effective for the period August 28 through September 3, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order

that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988-89. The committee met publicly on August 23, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.928 is added to read as follows:

Note.—This section will not appear in the Code of Federal Regulations.

§ 910.928 Lemon Regulation 628.

The quantity of lemons grown in California and Arizona which may be handled during the period August 28, 1988, through September 3, 1988, is established at 335,141 cartons.

Dated: August 24, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-19550 Filed 8-25-88; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 958

[AMS-FV-88-052 FR]

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Final Rule Clarifying Grade Terminology and Adding Container Marking Requirements to the Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule requires persons who handle onions under Marketing Order No. 958 to mark containers of U.S. Commercial grade onions with the grade. The rule also specifically lists "U.S. Commercial" as a grade which may be shipped by such handler. These changes are necessary in order to identify shipments of U.S. Commercial grade onions, to improve the marketing of onions, and to clarify the application of current grade requirements.

EFFECTIVE DATE: August 26, 1988.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and

Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone: (202) 447-2431.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of Idaho-Eastern Oregon onions subject to regulation under this marketing order, and approximately 360 onions producers. Approximately 30 importers of onions are subject to the onion import regulation. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of Idaho-Eastern Oregon onions and the majority of importers may be classified as small entities.

The handling requirements for Idaho-Eastern Oregon onions are specified in § 958.328 [47 FR 32919 (July 30, 1982) as amended at 49 FR 31257 (August 6, 1984) and 50 FR 50157 (December 8, 1985)]. That regulation establishes grade and size requirements for each of the three types of onions grown in the production area—white, red, and all other varieties, principally yellow varieties. Yellow varieties comprise the vast majority of fresh market shipments, accounting for approximately 90 percent of this

season's total to date. The remaining 10 percent of fresh movement is divided about evenly between white and red varieties.

For each of the varieties, the regulation establishes that no person may handle any onions which do not meet the minimum grade requirement of U.S. No. 2 as defined in the U.S. Standards for Grades of Onions (7 CFR 51.2830-51.2854, 51.3195-51.3209). The three grades of onions permissible to ship are, in descending order of quality, U.S. No. 1, U.S. Commercial, and U.S. No. 2.

At its February 17 and May 10 meetings the committee unanimously recommended that containers of U.S. Commercial grade onions shipped under the order be so marked. The objective is to ensure that buyers are aware that shipments consist of onions of U.S. Commercial grade quality and not U.S. No. 1 or U.S. No. 2 grade quality. Peeling has been a problem with sweet Spanish (yellow) onions during the 1987-88 shipping season. The outer skins would fall off, exposing the fleshy inner scales. However, except for the lack of outer skins, the onions would normally meet U.S. No. 1 grade requirements. Many of these lots were shipped as U.S. Commercial grade, which is better than U.S. No. 2, the minimum quality required under the order. The consensus among shippers was that by shipping the onions without outer skins under U.S. Commercial grade, a better price would be obtained in the marketplace than for U.S. No. 2 grade.

After several carlots of U.S. Commercial grade onions had been shipped, some shippers complained that such shipments were adversely affecting sales and prices of U.S. No. 1 grade onions.

According to committee records, fewer than 50 loads, about three-tenths of one percent of total shipments, have been marketed as U.S. Commercial grade this season, and only three shippers handled onions of this grade. However, this rule will apply uniformly to all handlers of U.S. Commercial grade onions regulated by Marketing Order No. 958.

Onion disposition reports compiled by the committee for the August 1987 to April 1988 period indicate that of the 15,305 carlots of yellow onions marketed fresh, 14,660 carlots of 96 percent were U.S. No. 1 grade. Similar grade breakdowns for white and red varieties are not compiled.

Under this rule, containers of U.S. Commercial grade onions are the only ones required to be marked. Most shipments of U.S. No. 1 grade onions are already marked, although this is not

required by the regulation. U.S. No. 2 grade onions are readily distinguished from No. 1 grade onions, and comprise only four percent of the shipments. For these reasons, the committee believes that container marking requirements for all grades are unnecessary. Further, the purpose of the rule is to identify shipments of U.S. Commercial grade onions, not to discourage such shipments. Each grade has its place in the marketplace. U.S. No. 1 onions are customarily shipped for fresh market consumer sales. U.S. Commercial and U.S. No. 2 grade onions generally go to other outlets for processing into products such as onion rings, or chopping for fast food outlets, or manufacturing into sauces.

The committee considered several alternatives to the container marking requirement. One was changing the minimum grade to U.S. No. 1, thus eliminating both U.S. Commercial and U.S. No. 2 grades. Another was to require U.S. Commercial as the minimum grade. However, the consensus was that these alternatives would limit the choices buyers have and also cause hardship on those growers with a high proportion of their crop in the lower grades. Other alternatives included recommending tightening tolerances for U.S. Commercial grade, and making no change in the regulations. All of these were discussed and dismissed as unsuitable solutions.

Onions are typically shipped in cardboard boxes or mesh bags containing 50 pounds. These containers could be permanently labeled to indicate U.S. Commercial grade with a stencil, rubber stamp, or a separate press run during printing. Consequently, the cost to handlers of complying with this rule will be minimal.

In addition to the marking requirement, the committee recommended a change in the wording of the grade requirements for yellow onions. Some confusion exists as to whether U.S. Commercial grade onions can be shipped since this grade is not specifically listed in the current grade requirements. The committee therefore recommended adding "U.S. Commercial" after "U.S. No. 2" in paragraph (a)(3)(i) of the regulation which pertains to yellow onions and recommended a similar change in paragraph (a)(1) of the regulation pertaining to white varieties for conformity.

Section 8e of the Agricultural Marketing Agreement Act of 1937 requires that when certain domestically produced commodities, including onions, are regulated under a Federal

marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Section 8e also provides that whenever two or more marketing orders regulating a commodity produced in different areas of the United States are concurrently in effect, the Secretary shall determine which of the areas produces the commodity in direct competition with the imported commodity. Imports then must meet the quality standards set for the particular area.

In the case of onions, the current import regulation (7 CFR 980.117) specifies that import requirements for onions be based on those requirements in effect for onions grown in certain designated counties in Idaho, and Malheur County, Oregon (M.O. 958) from June 1 through March 9 of each marketing year and on those requirements in effect for onions grown in designated counties of south Texas (M.O. 959) for the remainder of the year.

The changes to § 958.328 require no changes in the language of § 980.117 or the present paragraph (g) of § 958.328 *Applicability to imports*.

Further, miscellaneous changes are made to the unmarked introductory paragraph in § 958.328. These changes clarify present requirements and conform paragraph references to other changes.

Notice of this action was published in the *Federal Register* on June 22, 1988 (53 FR 23404) allowing interested persons until July 22, 1988, to file written comments. One comment was received from the manager of the committee. The comment stated that it was the intent of the committee that the proposed grade markings be of a permanent nature, as opposed to pressure sensitive labels. It was therefore suggested that the word "permanent" be included in the marking requirement. This point is found to have merit, and the proposal is so changed.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matters, including information and recommendations submitted by the committee, the comment on the proposal, and other available information, it is found that the following amendment will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that (1) shipments of onions grown in the production area

have begun, (2) to maximize benefits to the industry this regulation should apply to as many shipments as possible during the marketing season, (3) the action was proposed at open meetings of onion producers and handlers in the production area, and (4) compliance with this regulation requires no special preparation on the part of handlers.

List of Subjects in 7 CFR Part 958

Marketing agreements and orders, onions, Idaho, Oregon

For the reasons set forth in the preamble, 7 CFR Part 958 is hereby amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR Part 958 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 958.328 *Handling regulation* is amended by: revising the introductory paragraph; inserting the words "or U.S. Commercial" after the words "U.S. No. 2" in paragraphs (a)(1) (i) and (ii) and (a)(3)(i); redesignating paragraphs (b), (c), (d), (e), (f), and (g) as (c), (d), (e), (f), (g), and (h), respectively; adding a new paragraph (b); and revising the first sentence of newly redesignated (g) to read as follows:

Note: This section will appear in the Code of Federal Regulations.

§ 958.328 Handling regulation.

No person shall handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (g) of this section, and meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such onions are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(b) *Pack.* Onions packed as U.S. Commercial grade shall have the grade marked permanently and conspicuously on the container.

* * * * *

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 51.2830–2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195–51.3209), whichever is applicable to the particular variety, or

variations thereof specified in this section.

* * * * *
Dated: August 23, 1988.

Charles R. Brader,
Director, Fruit and Vegetable Division.
[FR Doc. 88–19484 Filed 8–25–88; 8:45 am]
BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1946

Agricultural Loan Mediation Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adopts its proposed rule which was published on May 16, 1988 (53 FR 17198). This action is being taken to add a new regulation to implement subtitles A and B of Title V of the Agricultural Credit Act of 1987 (Pub. L. 100–233), enacted on January 6, 1988. This action is needed to provide the certification requirements a State's agricultural loan mediation program must meet in order for FmHA and other agencies of the Department of Agriculture to participate in mediations conducted pursuant to a State's agricultural loan mediation program, and to enable a State to receive a Federal matching grant(s) to be used for the operation and administration of the program. The intended effect of this action is to establish procedures for certification and for administering the matching grant program, and sets out FmHA's duty to participate in such programs.

EFFECTIVE DATE: August 26, 1988.

FOR FURTHER INFORMATION CONTACT: Chester Bailey, Assistant to the Assistant Administrator, Farmer Programs, Farmers Home Administration, USDA, South Agriculture Building, Room 5025, Washington, DC 20250, telephone (202) 382–1471.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be "nonmajor," since the annual effect on the economy is less \$100 million and there will be no significant increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. Furthermore, there will be no adverse effects on competition, employment,

investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. This action is not expected to substantially affect budget outlays, more than one agency, or to be controversial. Additional efforts to administer the changes are expected to be minimal. Increased program costs are, therefore, not anticipated. The net result is expected to provide better service to agricult producers and their creditors.

Public reporting burden for this collection information is estimated to vary from 2 to 16 hours per response, with an average of 5.7 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20250.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354), the Administrator of the Farmers Home Administration has determined that this action will not have a significant economic impact on a substantial number of small entities.

Pub. L. 100-233 establishes a procedure under which a State, upon its application, can be certified by the Secretary of Agriculture as a "qualifying" State if the State's agricultural loan mediation program meets certain requirements set out in the statute. The Secretary of Agriculture has delegated the responsibility for State certification and administration of the matching grant program to the Administrator of the Farmers Home Administration (FmHA).

Discussion of the Comments

On May 16, 1988, FmHA published in the Federal Register (53 FR 17198) a

proposed rule giving interested parties until June 15, 1988, to submit comments. In response to the proposed rule 15 comments were received from individuals, a farm mediation service, farm organizations and other special-interest groups. Most of the comments covered a broad range of subjects relating to the proposed rule. The agency is adopting many of the suggestions made in these comments, and the changes resulting in the text of the rule will be discussed subsequently in the section of this preamble concerning Significant Changes. Other suggestions, which are described below, the agency will not adopt. These are as follows:

1. It was suggested that the agency permit the use of matching grant funds to provide legal and financial counseling to farmers before the mediation process begins. This the agency cannot do, since the statute establishing the program quite specifically limits compensation to expenses incurred in "mediation," and does not include financial counseling which is not provided during the mediation.

2. It was suggested that FmHA should not have been selected by the Secretary of Agriculture as the agency to decide whether State programs qualify for certification and to administer the grant program for such programs, since FmHA, being involved in mediations as a creditor, would have a "conflict of interest" in its capacity of administrator of the program. This suggestion, of course, is technically outside the scope of this rulemaking proceeding, since FmHA has no power to amend a delegation made by the Secretary to itself. It must also be noted, however, that the selection of FmHA as the agency to administer this program has a logical basis because of FmHA's routine involvement in farm lending credit issues. Moreover, the proposition that FmHA would use the certification and grant administration process to coerce mediators into making recommendations favoring the recovery of FmHA debts ignores the fact that the statute quite specifically states that "The Secretary shall not be bound by any determination made in a program described in paragraph (1) (which refers to State mediation programs) if the Secretary has not agreed to such determination." (7 U.S.C. 5103(a)(2)). FmHA would have little incentive to use a mechanism as crude as reducing or withholding funds for an entire State program to attempt to influence individual mediation decisions that it is free to accept or reject in any event.

3. Some commenters argued that FmHA should amend its rules to provide

that FmHA's participation in mediations should be mandatory even in States in which participation is voluntary for debtors and creditors generally. This FmHA declines to do. While it is true that it probably will be unusual for FmHA to decline to participate in a mediation, especially since the agency would never be obliged to accept the outcome in any event, the agency sees no reason to bind itself by regulation to participate in all cases. The statute clearly does not require that FmHA's participation in each mediation be mandatory, since the statute's mandatory language refers only to participation in "State agricultural loan mediation programs," not to participation in each and every mediation conducted pursuant to such programs.

4. The agency also will not adopt the suggestion that it impose a requirement in this regulation that private lenders whose loans are guaranteed by FmHA must participate in mediations. Those lenders will be subject to the mediation laws and rules governing private lenders in each State, and the imposition of a requirement in this rule is unnecessary and potentially confusing. Moreover, FmHA would not, as a matter of policy, want to impose a special requirement concerning mediation on those lenders because their loans are guaranteed by FmHA. The guaranteed loan program is intended to provide a vehicle for increasing private sector participation in the provision of agricultural credit, and that goal is best achieved by keeping governmentally-imposed special conditions and restrictions to an absolute minimum.

5. Several comments suggested the imposition of a specific minimum number of annual hours of training for mediators in each State, and specific rules requiring the provision of brochures, broadcast announcements, and notification of mediators' names, addresses and phone numbers on foreclosure notices, also were suggested. The agency declines to adopt these suggestions, which would attempt to micro-manage each State's program and operations in ways that the statute does not seem to contemplate. Congress did not intend FmHA or any other Federal agency to operate a uniform, nationwide, mediation program, but rather confined the Federal role to providing limited financial support to State-run programs that satisfy the statutory criteria. The number of hours of training that may be necessary in one program may not be necessary in another, since prior experience of the mediators and the complexity of the

programs may well vary from one State to another. Similarly, the best method of ensuring that adequate notice is given to borrowers should be left to the States, and the circumstances of the States clearly vary here as well. FmHA will not hesitate to impose detailed requirements, by rule or otherwise, if problems develop in actual practice. But attempts to anticipate such problems in advance are too likely to lead to burdensome and needlessly-detailed regulation.

6. The agency, for similar reasons, will not establish detailed requirements for the annual reports that the statute requires each State to submit. Our experience, although it is limited, with the materials submitted by the various States in support of their applications for certification suggests that the States are quite competent to obtain necessary information without detailed guidance. If it appears that specific information is needed that is not being provided in those annual reports, FmHA will not hesitate to require its submission. But we do not know at this time what specific problems, if any, may develop, and fear that attempting to anticipate such problems could be counterproductive.

7. The agency similarly concludes that the rules should not be amended to attempt to provide more detailed conditions and restrictions concerning the sanctions to be imposed for possible non-compliance with requirements for the use of matching grant funds, nor should the rule go into such details as to whether capital expenditures for used equipment, should be permitted. The departmental regulations governing grant administration are quite extensive and specific, and FmHA does not now have any reason to believe that even more specific guidance is possible at this time. Here again, the agency concludes that regulatory conditions and restrictions adopted in advance of known problems could be counterproductive.

The significant changes are as follows:

Part 1946—Mediation

Subpart A—Agricultural Loan Mediation Program

Section 1946.1 has been partially revised in paragraph (b) to make an editorial change and to show that FmHA will comply with requests for information and analysis.

Section 1946.4(d) has been partially revised to clarify the method of distributing matching grant funds to qualifying States.

Section 1946.4(e)(2) has been partially revised to show that detailed cost estimates are to be provided by a State on the operation and administration of its agricultural loan mediation program.

Section 1946.4(g)(1) has been partially revised to require FmHA to notify a Governor or Head of a State Agency within 15 days after receipt of an application for a grant if additional information/clarification is needed.

Section 1946.5(a) has been partially revised to show that this program will be monitored by the FmHA Assistant to the Assistant Administrator for Farmer Programs in lieu of the Emergency Designation Staff.

Section 1946.7 has been partially revised to make an editorial change in the title.

Section 1946.8 has been partially revised to change the delegation of authority from the Staff Director, Emergency Designation Staff, to the Assistant to the Assistant Administrator for Farmer Programs.

This program/activity will be listed in the Catalog of Federal Domestic Assistance under No. 10.435, Agricultural Loan Mediation Program. This program is being proposed for exclusion from the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983, and 7 CFR Part 1940, Subpart J, "Intergovernmental Review of Farmers Home Administration Programs and Activities.")

List of Subjects in 7 CFR Part 1946

Federal-State Relations, Grant Programs-Agriculture, Mediation.

Accordingly, FmHA adds a new Part 1946 consisting of Subpart A, to Chapter XVIII, Title 7, of the Code of Federal Regulations as follows:

PART 1946—MEDIATION

Subpart A—Agricultural Loan Mediation Program

Sec.

- 1946.1 General.
- 1946.2 Definitions.
- 1946.3 Process for certification.
- 1946.4 Matching grants.
- 1946.5 Monitoring compliance and penalty for non-compliance.
- 1946.6 Nondiscrimination.
- 1946.7 Environmental requirements.
- 1946.8 Delegation of authority.
- 1946.9 1946.49 [Reserved]
- 1946.50 OMB control number.

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Agricultural Loan Mediation Program

§ 1946.1 General.

(a) This subpart provides procedures for administration of the agricultural loan mediation program whereby a State may be certified by the Farmers Home Administration (FmHA) as a qualifying State for purposes of FmHA and other USDA agencies' participation in the program. Such certification is also necessary for a State to receive Federal matching grant funds to be used for the operation and administration of the State's agricultural loan mediation program.

(b) FmHA will participate in mediations conducted pursuant to a State's agricultural loan mediation program under the same terms and conditions applicable to agricultural creditors generally, and will cooperate in good faith in such mediations by complying with requests for information and analysis, and in presenting and exploring debt restructuring proposals, wherever feasible, when that State is and remains a qualifying State as defined in § 1946.2(b) of this subpart.

§ 1946.2 Definitions.

(a) *Agricultural Loan Mediation Program.* A State authorized or administered program which meets the requirements for certification outlined in § 1946.3(a)(2) (i) through (v) of this subpart.

(b) *Qualifying State.* A State which has been certified by FmHA as having an agricultural loan mediation program which meets the requirements outlined in § 1946.3(a)(2) (i) through (v) of this subpart, provided the State's certification has not expired or been withdrawn under the provisions of § 1946.5(c) of this subpart.

§ 1946.3 Process for certification.

(a) No later than August 1, of each year, the Governor of a State or Head of a State agency designated by the Governor of a State must submit a written request to the FmHA if the State wishes to be certified as a qualifying State for the purposes of FmHA participation in the State's program and for the State to receive a matching grant to be used for the operation and administration of the program within the State during the fiscal year commencing October 1 of that same year. The request must include:

- (1) A description of the State's agricultural loan mediation program.
- (2) Documentary information to support the request and a certification by the Governor or Head of a State

agency designated by the Governor that the State's agricultural loan mediation program:

(i) Provides for mediation services to be provided to producers, and their creditors, that, if decisions are reached, result in mediated, mutually agreeable decisions between the parties under the program;

(ii) Is authorized or administered by an agency of the State government or by the Governor of the State;

(iii) Provides for the training of mediators;

(iv) Provides that the mediation session shall be confidential; and

(v) Ensures that all lenders and borrowers of agricultural loans receive adequate notification of the mediation program.

(b) If the State is a qualifying State at the time the written request is made, the written request need only describe the changes to the program since the previous year's request together with such documentary support as may be necessary concerning such changes, as well as a certification that the remaining elements of the program remain as described in the previous application.

(c) The request for certification should be mailed to:

Administrator, Farmers Home Administration, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Room 5014, Washington, DC 20250.

(d) If a matching grant is requested in accordance with § 1946.4 of this subpart, the request for certification also must include the information required by § 1946.4 (e)(2) of this subpart.

(e) Within 15 days from receipt of the request for certification, the Administrator will notify the State Governor or Head of a State agency designated by the governor whether or not the State is certified as a qualifying State as defined in § 1946.2(b) of this subpart, or, if additional information or clarification is needed to make the determination, the Administrator will advise the State Governor or Head of a State agency of the additional information or clarification needed. Upon receipt of the additional information or clarification requested, the Administrator will respond within 15 days from the date of receipt.

§ 1946.4 Matching grants

(a) *Administration of grants.* FmHA will administer the program in accordance with the requirements of 7 CFR Parts 3015 and 3016. Any State requesting a grant must comply with the provisions of those regulations.

(b) *Source of funds.* All grants awarded to qualifying States will be

made from appropriated funds specifically for this program. A statement of the amounts appropriated, obligated, and remaining available for the program at any particular time will be given to any person upon request to FmHA.

(c) *Amount of grant.* A grant will not exceed 50 percent of the total fiscal year funds that a qualifying State requires to operate and administer its Agricultural Loan Mediation Program which has been certified by the Administrator as meeting the requirements of § 1946.3

(a)(2) (i) through (v) of this subpart. In no case will the total amount of a grant exceed \$500,000 annually.

(d) *Distribution criteria.* If funds for grants are appropriated on a fiscal year basis, funds will be obligated on a pro-rata basis to all States whose programs are certified at the beginning of the fiscal year. States certified after the beginning of the fiscal year will receive a share of funds not previously obligated. If, however, when funds for a fiscal year become available, there are not sufficient funds to give all qualified States 50 percent of their justified estimated expenses for the fiscal year, the percentage allocation to each State will be reduced so as to give all States the same percentage of their expenses. If after the percentage calculation any State's allocation still exceeds \$500,000, that State's share will be further reduced to \$500,000 and the remaining States' shares will be increased by the same percentage.

(e) *Eligibility criteria for amount of grant requested.* To be eligible to receive the amount of grant requested, a State must:

(1) Have an Agricultural Loan Mediation Program that has been certified by the Administrator in accordance with § 1946.3 of this subpart, which certification has not been withdrawn in accordance with § 1946.5 (c) of this subpart.

(2) Provide detailed estimates of the costs of operating and administering the State's Agricultural Loan Mediation Program.

(f) *Grant purposes.* (1) Grants made under this subpart will be used solely for the operation and administration of the State's Agricultural Loan Mediation Program. There is no other authorized use of grant funds. Eligible costs are limited to those allowable under 7 CFR 3016.22 that are reasonable and necessary to carry out the mission of the State's Agricultural Loan Mediation Program in providing mediation services for agricultural producers and their creditors within the State, such as:

(i) Salaries of professional, technical, and clerical staffs;

(ii) Payment of necessary, reasonable office expenses such as office rental, office utilities, and office equipment rental;

(iii) Purchase of office supplies;

(iv) Payment of administrative costs, such as workers' compensation, liability insurance, employer's share of social security, and travel that is necessary to provide mediation services;

(v) Training for mediators; and

(vi) Secretary systems necessary to assure confidentiality of mediation sessions.

(2) Grant funds may not be used for:

(i) The purchase of capital assets, real estate, or vehicles or repair and maintenance of privately-owned property;

(ii) Political activities; and

(iii) Routine administrative activities not allowable under OMB Cost Principles.

(g) *Application processing.* (1) FmHA will have 60 days from the date of certifying a State as a qualifying State to review the State's application and supporting information for a grant, mail the obligation document to the responsible State Government official for signature, to obligate funds, and notify the State of approval. In any case where additional information/clarification is needed for processing a grant application, the 60-day time limit will begin on the date the additional information of clarification is received. FmHA will notify the Governor or Head of a State agency within 15 days of receipt of the application for a grant if information/clarification is needed.

(2) A State requesting a matching grant will submit to the Administrator:

(i) Standard Form 424, "Federal Assistance." The application form can be obtained from any FmHA office.

(ii) The information prescribed in paragraph (e)(2) of this section.

(h) *Grant approval.* (1) The Administrator will notify the Governor or Head of the State agency designated by the Governor of grant approval by mailing, on the obligation date, a copy of the completed Form FmHA 1940-1, "Request for Obligation of Funds." The Form FmHA 1940-1 will indicate that the grant is subject to the requirements of 7 CFR Parts 3015 and 3016, this subpart, and will cite any special grantee conditions.

(i) *Fund disbursement or grant termination or major changes.* (1) Qualifying States approved to receive matching grants under this subpart will receive payment in accordance with 7 CFR Parts 3015 and 3016.

(2) In the case of a grant reduction, termination or withdrawal of

certification, in accordance with § 1946.5 (c) of this subpart, or major changes in the scope of the State's Agricultural Loan Mediation Program, the Administrator, or designee, will execute Form FmHA 1940-10, "Cancellation of U.S. Treasury Check and/or Obligation," to stop further disbursement of funds under the Grant Agreement.

(j) *Financial management systems and reporting requirements.* (1) States receiving grants must comply with standards for the financial management and reporting and program performance reporting found in 7 CFR Parts 3015 and 3016.

(2) Qualifying States receiving matching grants must provide to the FmHA State Office by September 30 an annual report on:

(i) The effectiveness of the State's Agricultural Loan Mediation Program;

(ii) Recommendations for improving the delivery of mediation services to producers; and

(iii) The savings to the State as a result of having an Agricultural Loan Mediation Program.

(3) FmHA State Offices will include any comments or recommendations regarding the State's Agricultural Loan Mediation Program and mail the information to the Administrator no later than November 1.

§ 1946.5 Monitoring compliance and penalty for non-compliance.

(a) *FmHA monitoring.* The FmHA Assistant to the Assistant Administrator, Farmer Programs, will monitor compliance of the State's Agricultural Loan Mediation Program

through the reports received in accordance with § 1946.4(j) of this subpart, through information received from FmHA field offices and the public, and through on-site visits to observe the operation and administration of the program.

(b) *Audit.* The qualifying State is subject to the audit requirements of 7 CFR Parts 3015 and 3016 of this chapter. An audit report will be submitted to the FmHA Administrator annually or biennially as applicable in accordance with OMB Circular A-128 by each qualifying State receiving a grant.

(c) *Penalty for non-compliance.* If the Administrator determines that a State's Agricultural Loan Mediation Program does not meet or no longer meets the requirements set out in § 1946.3(a)(2) (i) through (v) of this subpart for certification or, that grant funds are not being used only for the operation and administration of the State's Agricultural Loan Mediation Program, the FmHA Administrator is authorized to withdraw the certification of the program and terminate additional grant assistance and/or to impose any penalties or sanctions established in 7 CFR Parts 3015 and 3016. In the event that the penalty for non-compliance is enforced, the FmHA and other USDA agencies will cease to participate in mediations conducted by the State Agricultural Loan Mediation Program. If the penalty for noncompliance is enforced, the reason(s) will be included in a letter to the Governor or Head of the State agency along with appeal rights under Subpart B of Part 1900 of this chapter.

§ 1946.6 Nondiscrimination

The provisions of 7 CFR 1901 Subpart E, "Civil Rights Compliance Requirements," 7 CFR Part 15, "Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture-Effectuation of Title VI of the Civil Rights Act of 1964," 7 CFR Part 15b, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance," and 45 CFR Part 90, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," apply to activities financed by grants made under this subpart.

§ 1946.7 Environmental requirements.

Environmental requirements are not applicable to this subpart.

§ 1946.8 Delegation of authority.

The Administrator hereby delegates the authority for processing applications and administering grants under this subpart to the Assistant to the Assistant Administrator, Farmer Programs.

§§ 1946.9-1946.49 [Reserved]

§ 1946.50 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575-0125. In accordance with 5 CFR Part 1320, summarized below is the annualized public reporting burden for this regulation:

Section of regulations	Title	Form No. (if any)	Established number of respondents	Reports filed annually	Total annual responses (d) x (e)	Established number of manhours per response	Established total manhours (f) x (g)
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
Reporting Requirements/No Forms							
1946.3(a).....	Request for certification	NONE	15	On occasion.....	15	4	60
1946.3(b).....	Reverification of Approval	NONE	10	On occasion.....	10	2	20
1946.4(e)(2).....	Eligibility criteria for amount of grant requested.....	NONE	10	On occasion.....	10	2	20
1946.4(c).....	Financial management systems and reporting requirements.....	NONE	10	1	10	8	80
1946.5(b).....	Audit report.....	NONE	10	1	10	16	160
Reporting Requirements Approved Under Other Dockets							
1946.4(g)(2).....	Application for Federal Assistance	SF 424 (0348-0006).....	15	On occasion.....	15	2	30
Docket Total.....					70		370

Vance L. Clark,
Administrator, Farmers Home
Administration.

Dated: August 9, 1988.
[FR Doc. 88-19481 Filed 8-25-88; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 88-116]

CITE[®] Test, Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming, without change, an interim rule that amended the brucellosis regulations by allowing designated epidemiologists to consider the results of the concentration of immunoassay technology (CITE[®]) test as a diagnostic supplement to the standard card testing of official vaccinates. This action is warranted in order to permit faster diagnostic testing than has been available to determine brucellosis disease status, and to avoid the unnecessary destruction of valuable cattle and bison.

DATES: September 26, 1988. The incorporation by reference of certain procedures in the regulations was approved by the Director of the Federal Register April 27, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Hugh E. Metcalf, Senior Staff Veterinarian, Program Planning Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a serious infectious and contagious disease, caused by bacteria of the genus *Brucella*, that affects animals and man. The Secretary of Agriculture is authorized to cooperate with the states in conducting a brucellosis eradication program. The regulations in 9 CFR Part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine in order to help prevent the interstate spread of brucellosis.

Official brucellosis tests are used for determining the brucellosis status of cattle, bison, and swine. The regulations stipulate that testing negative to an official brucellosis test is a condition for certain interstate movements of cattle, bison, and swine. Additionally, official tests are used to determine eligibility for indemnity payments for animals destroyed because of brucellosis.

In an interim rule published in the Federal Register on May 6, 1988 (53 FR 16245-16246, Docket Number 88-026), and effective April 27, 1988, we

amended the regulations to allow designated epidemiologists to use the CITE[®] test as a diagnostic supplement to standard card testing when determining the brucellosis disease status of officially vaccinated cattle or bison. Comments on the interim rule were required to be postmarked or received on or before July 5, 1988. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

This action allows designated epidemiologists a faster method of gathering data to supplement standard card test results. The current procedure of verifying standard card test results through laboratory testing would remain a viable option.

This amendment does not change the testing requirements for brucellosis. It merely authorizes an optional methodology to laboratory verification of standard card test results. CITE[®] testing is faster than laboratory testing and allows for faster marketing, but the economic effect on owners of officially vaccinated cattle or bison should not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping

requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Incorporation by reference, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 78 and that was published at 53 FR 16245-16246 on May 6, 1988.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 22nd day of August, 1988.

James W. Glosser,
Administrator, Animal and Plant Health
Inspection Service.
[FR Doc. 88-19389 Filed 8-25-88; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of increasing discount rates.

The decision reflects the intent of the Federal Reserve to reduce inflationary pressures. The action was also taken in light of the growing spread of market interest rates over the discount rate.

The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks. The discount rate is the interest rate that is charged depository institutions when

they borrow from their district Federal Reserve Banks.

EFFECTIVE DATE: August 22, 1988.

FOR FURTHER INFORMATION CONTACT:

William W. Wiles, Secretary of the Board (202/452-3257); for the hearing impaired only, Telecommunications Device for the Deaf (TTD) (202/452-3544), Earnestine Hill or Dorothea Thompson, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, et al., of the Federal Reserve Act, the Board has amended its Regulation A to incorporate changes in discount rates on Reserve Bank extensions of credit. Further, under the authority of 5 U.S.C. 553 (b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations require that these amendments be adopted immediately.

List of Subjects in 12 CFR Part 201

Banks, banking, Credit, Federal Reserve System.

For the reasons outlined above, the Board of Governors amends 12 CFR Part 201 as set forth below:

PART 201—[AMENDED]

1. The authority citation for 12 CFR Part 201 continues to read as follows:

Authority: Secs. 10(a), 10(b), 13, 13a, 14(d) and 19 of the Federal Reserve Act (12 U.S.C. 347a, 347b, 343 et seq., 347c, 348 et seq., 357, 374, 374a and 461); and sec. 7(b) of the International Banking Act of 1978 (12 U.S.C. 347d).

2. Section 201.51 is revised to read as follows:

§ 201.51 Short-term adjustment credit for depository institutions.

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Aug. 9, 1988.
New York	6.5	Do.
Philadelphia	6.5	Do.
Cleveland	6.5	Do.
Richmond	6.5	Do.
Atlanta	6.5	Do.
Chicago	6.5	Aug. 10, 1988.
St. Louis	6.5	Aug. 9, 1988.
Minneapolis	6.5	Do.
Kansas City	6.5	Do.
Dallas	6.5	Aug. 11, 1988.

Federal Reserve Bank	Rate	Effective
San Francisco	6.5	Aug. 9, 1988.

3. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit for depository institutions.

(a) *Seasonal credit.* The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Aug. 9, 1988.
New York	6.5	Do.
Philadelphia	6.5	Do.
Cleveland	6.5	Do.
Richmond	6.5	Do.
Atlanta	6.5	Do.
Chicago	6.5	Aug. 10, 1988.
St. Louis	6.5	Aug. 9, 1988.
Minneapolis	6.5	Do.
Kansas City	6.5	Do.
Dallas	6.5	Aug. 11, 1988.
San Francisco	6.5	Aug. 9, 1988.

(b) *Other extended credit.* The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Aug. 9, 1988.
New York	6.5	Do.
Philadelphia	6.5	Do.
Cleveland	6.5	Do.
Richmond	6.5	Do.
Atlanta	6.5	Do.
Chicago	6.5	Aug. 10, 1988.
St. Louis	6.5	Aug. 9, 1988.
Minneapolis	6.5	Do.
Kansas City	6.5	Do.
Dallas	6.5	Aug. 11, 1988.
San Francisco	6.5	Aug. 9, 1988.

These rates apply for the first 30 days of borrowing. For credit outstanding for more than 30 days, a flexible rate will be charged which takes into account rates on market sources of funds, but in no case will the rate charged be less than the basic discount rate plus one-half percentage point. Where credit provided to a particular depository institution is anticipated to be outstanding for an unusually prolonged period and in relatively large amounts, the 30-day time period may be lengthened or shortened.

By order of the Board of Governors of the Federal Reserve System, August 22, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-19471 Filed 8-25-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 135

[Docket No. 25149; SFAR No. 50-2]

Special Flight Rules in the Vicinity of the Grand Canyon National Park; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: On June 2, 1988, the FAA published a final rule for the restriction of aircraft flights in the vicinity of the Grand Canyon National Park. This action corrects errors in the preamble and final rule, including the technical descriptions of the Special Flight Rules Area and flight-free zones within that area.

EFFECTIVE DATE: September 22, 1988.

FOR FURTHER INFORMATION CONTACT:

David L. Bennett, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-3491.

SUPPLEMENTARY INFORMATION: On May 27, 1988, the FAA issued a final rule for the regulation of aircraft operations in the vicinity of the Grand Canyon National Park (53 FR 20264, June 2, 1988). In that document, the language of the preamble and final rule contained certain technical errors which are corrected below.

Correction to Special Federal Aviation Regulation No. 50-2

The following corrections are made in SFAR 50-2, Special Flight Rules in the Vicinity of the Grand Canyon National Park (53 FR 20264, June 2, 1988).

1. On page 20267, first column, line 1, change "Tuweep" to "Toroweap".
2. On page 20268, first column, line 26, change "exist" to "exit".
3. On page 20268, first column, line 51, change "205°" to "203° magnetic".
4. On page 20268, second column, line 4; on page 20272, second column, line 51; and on page 20274, second column, line 32: remove the word "Canyon".
5. On page 20268, second column, line 26, change "Toroweap" to "Tuweep".
6. On page 20271, second column, line 11, change "March 19, 1989" to "April 6, 1989".
7. On page 20272, second column, lines 5 and 16; page 20273, third column, line 32; and page 20274, third column, line 1: change "Yumitheska" to "Yumtheska".

8. On page 20272, second column, revise the first sentence of numbered paragraph 4 to read:

"4. Prohibit operation in four "flight-free zones" unless necessary for the purposes enumerated in paragraph 3 above for flight below minimum flight altitudes."

9. On page 20273, remove the word "proposed" in the first column, lines 15, 29, and 38, and from the second column, line 5.

10. On page 20273, second column, insert a semicolon after the abbreviation "W." in lines 47 through 50.

11. On page 20273, second column, last line, change the period after the word "regulation" to a colon.

12. On page 20274, first column, lines 5 and 7, change the word "and" to "an".

13. On page 20274, first column, lines 32, 33, and 37, insert a period after the abbreviation "W".

14. On page 20274, first column, line 41, change the number "112" to "111".

15. On page 20274, first column, line 49, and second column, line 13, change "216" to "218".

16. On page 20274, second column, insert a period after the abbreviation "W" on line 3 and the abbreviation "N" on line 6.

17. On page 20274, second column, remove paragraphs (d) (i) and (ii) (lines 32 through 40, beginning with "(i) at or above * * *") and add in their place the following:

at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°22'55" N., Long. 112°48'50" W. and Lat. 36°17'10" N., Long. 112°48'50" W.; to the point of origin.

18. On page 20274, third column, line 27, change the word "structural" to "structure".

Issued in Washington, DC on August 18, 1988.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 88-19232 Filed 8-25-88; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6793; 34-26010; 35-24701; 39-2177; IC-16530; IA-1136; File No. S7-5-88]

Expedited Publication of Interpretative, No-Action and Certain Exemption Letters

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the adoption of an amendment to its regulation concerning Information and Requests to provide uniform procedures for prompt publication of interpretative, no-action, and certain exemption letters, unless temporary confidential treatment is granted.

EFFECTIVE DATE: September 26, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy J. Burke or Michael T. Dorsey at (202) 272-2848, Office of Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting an amendment to Rule 81 of its regulation concerning Information and Requests.¹ The revision will establish uniform procedures for prompt publication of interpretative, no-action, and certain exemption correspondence, except in cases where confidential treatment is extended under the standards of Rule 81(b).

I. Background and Summary

On September 8, 1987, the Commission proposed for public comment amendments to Rule 81² to provide for expedited publication of interpretative, no-action, and certain exemption letters,³ except in cases where confidential treatment had been granted or when the request related to certain trading practices rules⁴ under the Exchange Act. Because of concerns that correspondence under the trading practices rules might more typically involve matters sensitive to premature disclosure, the Commission proposed that such correspondence continue to receive delayed publication. Certain commentators on Release 33-6740 recommended that correspondence issued under the trading practices rules also be released immediately, unless confidential treatment had been granted.⁵

¹ 17 CFR 200.81.

² Securities Act Release No. 6740 (September 8, 1987), 52 FR 35115 ("Release 33-6740").

³ Exemption letters subject to Rule 81 include only those letters granting exemptions from the provisions of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 78a et seq., or rules or regulations thereunder, where the issuance of an order granting such exemption does not require public notice and an opportunity for hearing.

⁴ 17 CFR 240.10b-6, 240.10b-7, 240.10b-8, 240.10b-13, and 240.13e-4.

⁵ The letters of comment concerning Release 33-6740 are available for public inspection and copying at the Commission's Public Reference Room in File No. S7-32-87.

On April 7, 1988, the Commission adopted the amendments to Rule 81 as proposed,⁶ and at the same time issued a release proposing for public comment an additional amendment providing for expedited publication of interpretative, no-action, and exemption letters issued under the trading practices rules.⁷ The Commission has determined to adopt the amendment as proposed, thereby establishing uniform procedures for publication of all correspondence subject to Rule 81.

II. Discussion of Amendment

The amendments to Rule 81 adopted in Release 33-6740 reflect the Commission's view that interpretative, no-action, and exemption correspondence should be publicly available as promptly as possible, unless confidential treatment has been granted. In this way, the public will have earlier access to the staff's positions on issues under the federal securities laws. Rule 81, however, retained the automatic 30-day period of confidentiality for correspondence issued under the trading practices rules. Two commentators on Release 33-6740 opined that the justification for distinguishing the trading practices rules was insufficient when compared to the public benefits resulting from more timely publication of interpretative, no-action, and exemption letters.⁸ These commentators pointed out that transactions forming the basis for requests under the trading practices rules, such as impending public offerings or tender offers, cannot be said to be intrinsically more sensitive to public disclosure than transactions involving other issues. They noted that any adverse consequences of premature disclosure could be avoided in any type of transaction through the confidential treatment procedure of Rule 81(b).

In light of these considerations, the Commission requested public comment on whether to eliminate the distinction in Rule 81 concerning the timing of public availability of interpretative, no-action, and exemption letters involving the trading practices rules. One of the prior commentators⁹ reiterated support

⁶ Securities Act Release No. 6764 (Apr. 7, 1988), 53 FR 12412.

⁷ Securities Act Release No. 6765 (Apr. 7, 1988), 53 FR 12429 ("Release 33-6765").

⁸ Comment letters from the American Bar Association, Section of Corporation, Banking and Business Law (Jan. 4, 1988), and New York State Bar Association, Banking, Corporation and Business Law Section ("NYSBA") (Nov. 4, 1987).

⁹ The Commission received only one comment letter concerning Release 33-6765. The letter, sent by NYSBA, is available for public inspection and copying at the Commission's Public Reference Room in File No. S7-5-88.

for expedited release of all interpretative, no-action, and exemption correspondence unless confidential treatment had been granted.

The Commission has determined to adopt the amendment as proposed. The same standard of prompt publication will therefore apply to all interpretative, no-action, and exemption correspondence subject to Rule 81. Temporary confidential treatment continues to be available under Rule 81(b), and premature disclosure of business plans may be prevented in an appropriate case, if the party so requests and the Commission's staff concurs. The amended rule does not change the procedures, standards or maximum duration of such confidential treatment. At the same time, the public interest served by the availability of the staff's positions will be met in ordinary cases in which no substantial prejudice to legitimate business purposes arises through public disclosure. The general standard for prompt disclosure of this correspondence will ease administration of Rule 81 by the Commission's staff, and, because public availability dates will normally be identical to the date of the staff's response, research and citation of this correspondence should be simplified.

III. Cost/Benefit Analysis

The amendment neither imposes additional reporting or recordkeeping requirements nor significantly increases regulatory compliance costs. The principal benefit associated with the amendment is that it will allow more timely public availability of staff responses to requests for interpretative, no-action, and certain exemption letters under trading practices rules. Expedited publication will assist the public in its understanding of significant questions arising under the federal securities laws.

IV. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission certified that the amendment as proposed would not, if adopted, have a significant economic impact on a substantial number of small entities. This certification was noticed in the Release 33-6765 and no comments were received in this regard.

V. Statutory Basis

The amended rule is being adopted under section 19 of the Securities Act of 1933; section 23 of the Securities Exchange Act of 1934; section 20 of the Public Utility Holding Company Act of 1935; section 319 of the Trust Indenture

Act of 1939; section 38 of the Investment Company Act of 1940; section 211 of the Investment Advisers Act of 1940; and section 1 of the Freedom of Information Act.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

VI. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart D—Information and Requests

1. The authority citation for Part 200, Subpart D, continues to read as follows:

Authority: 80 Stat. 383, as amended, 31 Stat. 54, secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 5 U.S.C. 552, 15 U.S.C. 77s, 78w, 79t, 80a-37, 80b-11, unless otherwise noted.

2. 17 CFR 200.81 is amended by revising paragraph (a) to read as follows:

§ 200.81 Publication of interpretative, no-action and certain exemption letters and other written communications.

(a) Except as provided in paragraphs (b) and (c) of this section, every letter or other written communication requesting the staff of the Commission to provide interpretative legal advice with respect to any statute administered by the Commission or any rule or regulation adopted thereunder; or requesting a statement that, on the basis of the facts stated in such letter or other communication, the staff would not recommend that the Commission take any enforcement action; or requesting an exemption, on the basis of the facts stated in such letter, from the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) or any rule or regulation thereunder, where the issuance of an order granting such exemption does not require public notice and an opportunity for hearing; together with any written response thereto, shall be made available for inspection and copying by any person as soon as practicable after the response has been sent or given to the person requesting it.

* * * * *

By the Commission.

Jonathan G. Katz,
Secretary.

Date: August 19, 1988.

[FR Doc. 88-19403 Filed 8-25-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 87F-0290]

Indirect Food Additives; Adhesives and Components of Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of pentasodium diethylenetriaminepentaacetate and trisodium *N*-hydroxyethylethylenediaminetriacetate as components of adhesives used in food packaging. This action responds to a petition filed by The Dow Chemical Co.

DATES: Effective August 26, 1988; written objections and requests for a hearing by September 26, 1988.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 24, 1987 (52 FR 35965), FDA announced that a petition (FAP 7B4023) had been filed by The Dow Chemical Co., Midland, MI 48674, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of pentasodium diethylenetriaminepentaacetate and trisodium *N*-hydroxyethylethylenediaminetriacetate as components of adhesives used in food packaging.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additives are safe, and that the regulations should be amended by revising the table in § 175.105(c)(5).

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before September 26, 1988 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR Part 175 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding two new entries in the table to read as follows:

§ 175.105 Adhesives.

*	*	*	*	*
(c)	*	*	*	
(5)	*	*	*	

Substances	Limitations
* * * * *	* * * * *
Pentastodium diethylenetriaminepen- taacetate (CAS Reg. No. 140-01-2)...	*
Trisodium N-hydroxyethylthylenedi- aminetriacetate (CAS Reg. No. 139-89-9)	*
* * * * *	* * * * *

Dated: August 17, 1988.

Richard J. Ronk,
*Acting Director, Center for Food Safety and
Applied Nutrition.*

[FR Doc. 88-19439 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436 and 446

[Docket No. 88N-0122]

Tests and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs; High-Performance Liquid Chromatographic, EPI-Minocycline Content, Residue on Ignition, and Absorption Testing Methods for Minocycline Hydrochloride

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to: (1) Provide for an improved method for determining the potency of minocycline hydrochloride bulk and minocycline hydrochloride dosage forms; (2) revise the potency standard for minocycline hydrochloride bulk to prescribe a minimum and a maximum specification; (3) identify and limit the epi-minocycline

content of minocycline hydrochloride bulk; and (4) add a residue on ignition test and an absorptivity test for minocycline hydrochloride bulk. These actions are being taken at the request of the sole manufacturer of these products and to provide better quality control of these products.

DATES: Effective September 26, 1988; comments, notice of participation, and request for hearing by September 26, 1988; data, information, and analyses to justify a hearing by October 25, 1988.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: At the request of the sole manufacturer of minocycline bulk and its dosage forms, FDA is replacing the microbiological turbidimetric assay currently specified in the regulations for determining the potency of minocycline hydrochloride bulk and minocycline hydrochloride dosage forms with a high-performance liquid chromatographic (HPLC) assay. In addition, FDA is amending the antibiotic drug regulations for minocycline hydrochloride bulk to: (1) Revise the potency standard from not less than 785 micrograms per milligram on an "as is" basis to not less than 890 and not more than 950 micrograms per milligram on an "anhydrous" basis; (2) use the HPLC assay to test for epi-minocycline content with an upper limit of not more than 1.2 percent; (3) add a residue on ignition test with an upper limit of not more than 0.15 percent; and (4) add an absorptivity test with an upper limit of not more than 0.006.

Current assay methods for determining the content and potency of minocycline hydrochloride are done by gravity flow chromatographic and microbiological turbidimetric assay methods, respectively. The gravity flow chromatographic method is specific; however, it is time-consuming and unable to detect and quantitate related compounds. The microbiological turbidimetric assay lacks specificity. The manufacturer has demonstrated that the HPLC assay provides a fast, easily performed and specific test that can be used to determine both content and potency of minocycline hydrochloride and identify and quantitate its related compounds.

Additionally, the manufacturer recommends that three additional tests (residue on ignition, absorptivity, and epi-minocycline content) be added to the accepted standards for minocycline hydrochloride bulk to assure its quality.

FDA has reviewed the manufacturer's request and has concluded that the requested changes are acceptable. Therefore, FDA is amending the monographs for minocycline hydrochloride bulk and minocycline hydrochloride dosage forms to revise the potency assay from a microbiological turbidimetric assay to an HPLC assay and to revise the potency standard and add tests and limits for epi-minocycline content, residue on ignition and absorptivity for minocycline hydrochloride bulk.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

These amendments were requested by the sole manufacturer of minocycline hydrochloride. They made changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because, when effective, they provide notice of accepted standards, FDA finds that notice and public procedure are unnecessary and not in the public interest. The amendments, therefore, become effective September 26, 1988, except that the manufacturer may elect to comply with the amendments prior to this effective date. Interested persons may, on or before September 26, 1988, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before September 26, 1988, a written notice of participation and request for hearing, and (2) on or before October 25, 1988, the data, information, and

analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 446

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 436 and 446 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR Part 436 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

§ 426.106 [Amended]

2. Section 436.106 *Microbiological turbidimetric assay* is amended in paragraphs (a) and (b) in the tables by removing the entry "Minocycline".

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

3. The authority citation for 21 CFR Part 446 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

4. Section 446.60 is amended by revising paragraphs (a)(1)(i) and (a)(1)(v), by adding new paragraphs (a)(1)(viii) and (a)(1)(ix), by revising paragraphs (a)(3)(i), (b)(1), and (b)(5), and by adding new paragraphs (b)(8) and (b)(9) to read as follows:

§ 446.60 Minocycline hydrochloride.

(a) * * *

(1) * * *

(i) Its potency is not less than 890 micrograms per milligram and not more than 950 micrograms per milligram on the anhydrous basis.

* * * * *

(v) Its epi-minocycline content is not more than 1.2 percent.

* * * * *

(viii) Its residue on ignition is not more than 0.15 percent.

(ix) The absorptivity at 560 nanometers of an aqueous solution containing 10 milligrams of minocycline hydrochloride per milliliter is not more than 0.006.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, moisture, pH, epi-minocycline content, identity, crystallinity, residue on ignition, and absorptivity.

* * * * *

(b) *Tests and methods of assay*—(1) *Minocycline potency*. Proceed as directed in § 436.216 of this chapter, using ambient temperature, an ultraviolet detection system operating at a wavelength of 280 nanometers, a 4.6-millimeter X 3-centimeter guard column containing 10-micrometer diameter RP-8 Lichrosorb, a 4.6-millimeter X 15-centimeter analytical column packed with octyl silane chemically bonded to porous microsilica particles, 5 micrometers in diameter, a flow rate of 2.9 milliliters per minute, and a known injection volume of 10 microliters. Reagents, working standard and sample solutions, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(a) *0.1 M Disodium ethylenediamine-tetraacetate (EDTA)*. Accurately weigh 37.22 grams of disodium ethylenediaminetetraacetate into a 1,000-milliliter volumetric flask. Dissolve in and dilute to mark with deionized water.

(b) 0.3 M Ammonium oxalate.

Accurately weigh 28.42 grams of ammonium oxalate into a 1,000-milliliter volumetric flask. Dissolve in and dilute to mark with deionized water.

(c) Mobile phase. Mix 250 milliliters of dimethylformamide, 200 milliliters of 0.1M disodium ethylenediaminetetraacetate and 550 milliliters of 0.2M ammonium oxalate, (5:4:11). Allow the solution to cool to room temperature and then adjust the pH to 6.2 to 6.3 with 0.4M tetrabutylammonium hydroxide. Filter and degas the mobile phase just prior to its introduction into the chromatographic pumping system.

(ii) Preparations of working standard, sample and resolution testing solutions—(a) Working standard solution. Dissolve an accurately weighed portion of the minocycline hydrochloride working standard with sufficient mobile phase (prepared as described in paragraph (b)(1)(i)(c) of this section) to obtain a solution containing 500 micrograms of minocycline activity per milliliter. Use this standard solution within 3 hours of preparation.

(b) Sample solution. Dissolve an accurately weighed sample in sufficient mobile phase to obtain a solution containing 500 micrograms of minocycline activity per milliliter (estimated). Use this solution within 3 hours of preparations.

(iii) System suitability requirements—

(a) Asymmetry factor. Calculate the asymmetry factor (A_s), measured at a point 5 percent of the peak height from the baseline, as follows:

$$A_s = \frac{a+b}{2a}$$

where:

a = Horizontal distance from point of ascent to point of maximum peak height; and

b = Horizontal distance from the point of maximum peak height to point of descent.

The asymmetry factor (A_s) is satisfactory if it is not less than 0.9 and not more than 1.35.

(b) Efficiency of the column. From the number of theoretical plates (n) calculated as described in section 436.216(c)(2) calculate the reduced plate height (h_r) as follows:

$$h_r = \frac{(L)(10,000)}{(n)(d_p)}$$

where:

L = Length of the column in centimeters;

n = number of theoretical plates; and

d_p = Average diameter of the particles in analytical column packing in micrometers.

The absolute efficiency (h_r) is satisfactory if it is not more than 50 for the minocycline peak.

(c) Resolution. Dissolve 50 milligrams of minocycline hydrochloride in 25 milliliters of deionized water. Pipet 5 milliliters of this solution into a 25-milliliter volumetric flask and heat on a steam bath for 60 minutes. Transfer the contents of the flask to a small beaker and evaporate to dryness. Dissolve the residue in mobile phase, transfer to a 25-milliliter volumetric flask, dilute to mark with mobile phase, mix, and filter through Whatman No. 1 filter paper. Use this solution to determine the resolution factor. The resolution (R) between the peaks for minocycline and epi-minocycline is satisfactory if it is not less than 2.0.

(d) Coefficient of variation (relative standard deviation). The coefficient of variation (S_R in percent) of 5 replicate injections is satisfactory if it is not more than 2.0 percent.

(e) Capacity factor (k'). Calculate the capacity factor (k') for minocycline as follows:

$$k' = \frac{t_r - 1}{t_0}$$

where:

t_r = Retention time of minocycline in minutes; and

t_0 = Column dead time in minutes, which is estimated from the following equation:

$$t_0 = \frac{(3.1416)(D^2)(L)(0.75)}{4F}$$

where:

D = Column diameter in centimeters;

L = Column length in centimeters;

0.75 = Average total column porosity; and

F = Flow rate in milliliters per minute.

The capacity factor (k') for minocycline is satisfactory if it is not less than 6.2 and not more than 11.5.

If the system suitability requirements have been met, then proceed as described in § 436.216(b) of this chapter. Alternate chromatographic conditions

are acceptable provided reproducibility and resolution are comparable to the system. However, the sample preparation described in paragraph (b)(1)(ii)(b) of this section should not be changed.

(iv) Calculations—Calculate the micrograms of minocycline per milligram of sample as follows:

$$\text{Micrograms of minocycline per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100 - m)}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter;

C_u = Milligrams of minocycline per milliliter of sample solution; and

m = Percent moisture content of the sample.

* * * * *

(5) Epi-minocycline content. Proceed as directed in paragraph (b)(1) of this section. Calculate the epi-minocycline content as follows:

$$\text{Percent Epi-Minocycline} = \frac{(A_{epi}) \times 100}{(A_{total})}$$

where:

A_{epi} = Area of the epi-minocycline peak in the chromatogram of the sample; and

A_{total} = The sum of the areas of all the peaks eluting after the solvent front.

* * * * *

(8) Residue on ignition. Proceed as directed in § 436.207(b) of this chapter.

(9) Absorptivity. Accurately weigh about 1 gram of sample into a 100-milliliter volumetric flask, dissolve, and dilute to mark with deionized water. Determine the absorbance of this solution on a suitable spectrophotometer at 560 nanometers (nm) using 5-centimeter cells with water in the reference cell. Calculate the absorptivity as follows:

$$\text{Absorptivity at 560 nm} = \frac{(A_{560})(100)}{(\text{grams of sample})(1,000)(5)}$$

5. Section 446.160a is amended by revising paragraphs (1)(3)(i)(a) and (b)(1) to read as follows:

§ 446.160a Minocycline hydrochloride tablets.

(a) * * *
(3) * * *
(i) * * *

(a) The minocycline hydrochloride used in making the batch for potency, moisture, pH, epi-minocycline content, identity, crystallinity, residue on ignition, and absorptivity.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.60(b)(1) of this part, except prepare the sample solution and calculate the minocycline potency as follows:

(i) *Sample solution.* Grind a representative number of tablets in a mortar and pestle. Wash the ground tablets into a volumetric flask containing mobile phase (described in § 446.60(b)(1)(i)(c) of this part) and shake to dissolve. Dilute with mobile phase to give a stock solution of convenient concentration. Filter the stock solution. Further dilute using mobile phase to obtain a solution containing 500 micrograms of minocycline activity per milliliter (estimated). Use this solution within 3 hours of preparation.

(ii) *Calculations.* Calculate the minocycline content as follows:

$$\text{Milligrams of minocycline per tablet} = \frac{A_u \times P_s \times d}{A_s \times 1,000 \times n}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter;

d = Dilution factor of the sample; and
 n = Number of tablets in the sample assayed.

6. Section 446.160b is amended by revising paragraphs (a)(3)(i)(a) and (b)(1) to read as follows:

§ 446.160b Minocycline hydrochloride capsules.

(a) * * *
(3) * * *
(i) * * *

(a) The minocycline hydrochloride used in making the batch for potency, moisture, pH, epi-minocycline content,

identity, crystallinity, residue on ignition, and absorptivity.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.60(b)(1) of this part, except prepare the sample solution and calculate the minocycline potency as follows:

(i) *Sample solution.* Open a representative number of capsules and empty the contents into a volumetric flask containing mobile phase (described in § 446.60(b)(1)(i)(c) of this part) and shake to dissolve. Dilute with mobile phase to give a stock solution of convenient concentration. Filter the stock solution. Remove an aliquot of the stock solution and further dilute with mobile phase to obtain a solution containing 500 micrograms of minocycline activity per milliliter (estimated). Use this solution within 3 hours of preparation.

(ii) *Calculations.* Calculate the minocycline content as follows:

$$\text{Milligrams of minocycline per capsule} = \frac{A_u \times P_s \times d}{A_s \times 1,000 \times n}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter;

d = Dilution factor of the sample; and
 n = Number of capsules in the sample assayed.

7. Section 446.160c is amended by revising paragraphs (a)(3)(i)(a) and (b)(1) to read as follows:

§ 446.160c Minocycline hydrochloride oral suspension.

(a) * * *
(3) * * *
(i) * * *

(a) The minocycline hydrochloride used in making the batch for potency, moisture, pH, epi-minocycline content, identity, crystallinity, residue on ignition, and absorptivity.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.60(b)(1) of this part, except prepare the sample solution and calculate the minocycline potency as follows:

(i) *Sample solution.* Transfer an accurately measured 5-milliliter portion of the well-shaken suspension to a 100-milliliter volumetric flask. Dilute to mark

with mobile phase (described in § 446.60(b)(1)(i)(c) of this part) and mix well. Filter this solution and use within 3 hours of its preparation.

(ii) *Calculations.* Calculate the minocycline content as follows:

$$\text{Milligrams of minocycline per milliliter} = \frac{A_u \times P_s \times d}{A_s \times 1,000 \times 5}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

8. Section 446.260 is amended by revising paragraphs (a)(3)(i)(a) and (b)(1) to read as follows:

§ 446.260 Sterile minocycline hydrochloride.

(a) * * *
(3) * * *
(i) * * *

(a) The minocycline hydrochloride used in making the batch for potency, moisture, pH, epi-minocycline content, identity, crystallinity, residue on ignition, and absorptivity.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 446.60(b)(1) of this part, except prepare the sample solution and calculate the minocycline potency as follows:

(i) *Sample solution.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representation portion from each container. Dilute the sample thus obtained with sufficient mobile phase (described in § 446.60(b)(1)(i)(c) of this part) to give a stock solution of convenient concentration. Filter the stock solution. Further dilute an aliquot of this stock solution with mobile phase to obtain a solution containing 500 micrograms of minocycline activity per milliliter (estimated). Use this solution within 3 hours of preparation.

(ii) *Calculations*—(a) Calculate the minocycline of the single dose vial as follows:

$$\frac{\text{Milligrams of minocycline per single-dose vial}}{A_u \times P_s \times d} = \frac{A_u \times P_s \times d}{A_s \times 1.000}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(b) Calculate the minocycline content of the multiple-dose vial as follows:

$$\frac{\text{Milligrams of minocycline per multiple-dose vial}}{A_u \times P_s \times d} = \frac{A_u \times P_s \times d}{A_s \times 1.000 \times n}$$

where:

A_u = Area of the minocycline peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the minocycline peak in the chromatogram of the minocycline working standard;

P_s = Minocycline activity in the minocycline working standard solution in micrograms per milliliter;

d = Dilution factor of the sample.

n = Volume of sample solution assayed.

Dated: August 10, 1988.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 88-19440 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510, 522, and 524

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for several NADA's from Vet Labs Ltd., Inc., to Veterinary Laboratories, Inc.

EFFECTIVE DATE: September 26, 1988.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION:

Veterinary Laboratories, Inc., 12340 Santa Fe Drive, Lenexa, KS 66215, currently is the sponsor of several NADA's formerly held by Vet Labs Ltd.,

Inc. Vet Labs Ltd., Inc., informed FDA of the change of corporate ownership and a subsequent change of sponsor. The NADA's affected are:

NADA 8-142—Enteritis Formula

(nitrofurazone),

NADA 8-354—Sodium Arsanilate

Tablets,

NADA 42-889—Oxytocin Injection,

NADA 121-559—Nitrofurazone Solution,

NADA 138-657—Nitrofurazone

Ointment.

The agency is amending 21 CFR 510.600(c)(1) and (c)(2) to add the new sponsor, and is revising 21 CFR 522.1680(b), the first sentence in § 524.1580b(b), and 524.1580d(b) to reflect the new sponsor.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

21 CFR Part 524

Animal drugs.

Therefore under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 510, 522, and 524 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a) (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

2. Section 510.600 is amended in paragraph (c)(1) by alphabetically adding an entry for "Veterinary Laboratories, Inc.," and in Paragraph (c)(2) by numerically adding an entry for "000857" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Veterinary Laboratories, Inc., 12340 Santa Fe Dr., Lenexa, KS 66215.....	000857
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
000857	Veterinary Laboratories, Inc., 12340 Santa Fe Dr., Lenexa, KS 66215.
* * * * *	

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

4. Section 522.1680 is amended by revising paragraph (b) to read as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000010, 000402, 000693, 000856, 000857, 000864, 010271, 015562, 032420, and 053617 in § 510.600(c) of this chapter.

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

6. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 524.1580b [Amended]

7. Section 524.1580b is amended by revising the first sentence in paragraph (b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsors.* For use in dogs, cats, and horses see Nos. 000857, 000864, 011519, 015579, 023851, and 053617 in § 510.600(c) of this chapter. * * * * *

8. Section 524.1580d is amended by revising paragraph (b) to read as follows:

§ 524.1580d Nitrofurazone solution.

* * * * *

(b) *Sponsors.* See 000857, 015562, 051259, and 053617 in § 510.600(c) of this chapter for use as in paragraphs (d) (1)

and (2) of this section. See 017153 in § 510.600(c) of this chapter for use in paragraph (d)(1) of this section.

Dated: August 22, 1988.

Robert C. Livingston,

Deputy Director, Office of New Animal Drug
Evaluation Center for Veterinary Medicine.

[FR Doc. 88-19438 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

[FHWA Docket No. 87-10]

National Bridge Inspection Standards

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is revising its regulation on the National Bridge Inspection Standards (NBIS). The revised regulation maintains the existing 2-year frequency as the basic requirement. For certain types or groups of bridges the States may, under the revised regulation, request FHWA approval for appropriate inspection intervals that are longer than the basic 2-year interval. States are also expected to continue to inspect some bridges more often than once every 2 years when the condition, age, load capacity or other site specific features of a bridge are such that more frequent monitoring is needed. The revised regulation also requires that States identify, establish special inspection procedures, specify inspection intervals and designate in their National Bridge Inventory (NBI) files those bridges with fracture critical members (tension members which are likely to cause collapse of a significant portion of the bridge if the member fails). Similar requirements are established for bridges which require special underwater inspection because the integrity of the substructure or stream bed underneath them cannot be determined by normal above water surface evaluation and for bridges with special features which by their nature or experience need specialized monitoring and evaluation. The revisions allow an alternate procedure for bridge inspection team leaders to be certified as meeting required levels of competence and require that changes in the status of a bridge due to replacement, rehabilitation or load restriction be entered in the State bridge inventory file within 90 days or 180 days of the change in status, depending upon

whether the bridge is under direct State or local jurisdiction.

EFFECTIVE DATE: October 25, 1988.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ahlskog, Bridge Management Branch, Bridge Division, Office of Engineering, 202/366-4617, or Mr. Michael J. Laska, Office of Chief Counsel, 202/366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The National Bridge Inspection Standards (NBIS) for bridges on all public roads are set forth in 23 CFR Part 650, Subpart C. Within § 650.3, bridges are defined, inspection procedures and frequencies specified, minimum qualifications of personnel indicated; reporting and inventory procedures are listed and load posting and inspection recordkeeping requirements are stated. Section 650.305 currently requires that the type and depth of inspections be determined by the individual in overall charge of the program and cites the "Manual for Maintenance Inspection of bridges," published by the American Association of State Highway and Transportation Officials (AASHTO) in 1978 as a reference guide.

Four provisions of the NBIS are affected by this rulemaking action. The revisions to § 650.303 require that States identify and maintain a list of fracture critical members and bridges which need periodic underwater inspection and other special inspections. In addition, the States must determine inspection procedures and frequencies of inspection for these bridges and maintain records of findings and follow-up actions for inspection. Section 650.305 is modified to permit certain groups of bridges to be inspected at frequency longer than the current 2 year maximum. The FHWA intends by this provision to permit the States to modify inspection frequencies, for groups of relatively new structures in good condition, which have safe load capacities at least equal to the State legal load, in low traffic volume areas, with proven performance histories to be inspected at frequencies longer than the previous 2 year maximum provided that the inspection plan is approved by the FHWA.

Revised § 650.307 will permit another alternate to the previous requirements for bridge inspection team leaders. Level III or IV Bridge Safety Inspection certification under the National Society of Professional Engineer's National Certification of Engineering Technologies (NICET) program is

specified as an additional alternate qualification certification for bridge inspection team leaders. The other long standing alternates are (1) registration as a professional engineer, (2) eligibility for registration as a professional engineer or (3) completion of a comprehensive course in bridge inspection and a minimum of 5 years of bridge inspection experience.

Revised § 650.311 adds the requirement that any changes in load restrictions on bridges must be entered into each State's NBI file within 90 days for State jurisdiction bridges and within 180 days for bridges not under State jurisdiction. Existing provisions requiring that changes brought about as the result of bridge replacement or rehabilitation be entered into a State's NBI file within 90 days are also modified by retaining the 90 day limit for bridges under State jurisdiction but extending the time period to 180 days for bridges not directly under State jurisdiction.

Background

On April 7, 1987 the FHWA issued a notice of proposed rulemaking (NPRM) published at 52 FR 11093, FHWA Docket No. 87-10 and an extension of comment period at 52 FR 20726 on June 3, 1987. Its purpose was to solicit public comments on proposed changes to the NBIS.

The current NBIS as shown in 23 CFR Part 650, Subpart C, have been in effect for bridges on Federal-aid system highways since 1971 and were expanded in 1979 to apply to all bridges on public roads as the result of a provision of the 1978 Surface Transportation Assistance Act, Pub. L. 95-599. This last revision was published on May 1, 1979 (44 FR 25434).

In 1982 the FHWA reviewed data in the NBI for the purpose of considering an increase in the inspection frequency interval for some categories of bridges for which a State would submit a detailed proposal and supply data to the FHWA for approval before implementation of any inspection interval changes. The purpose of the evaluation was to determine whether such a change would allow States to redirect their bridge inspection resources towards bridges which pose the most potential for loss of human life or serious injury should a bridge failure occur. An NPRM was published in the Federal Register on January 20, 1983, to propose variations in the maximum inspection frequency interval for some categories of bridges in good condition (48 FR 2550). The NPRM was withdrawn on April 23, 1984 (49 FR 17039).

Because of further analysis of NBI data, advances in training and bridge

inspection techniques, the need to intensify bridge inspection efforts on certain bridges and bridge elements which pose a higher than normal potential for collapse should they fail, and the need for improved recordkeeping and positive management procedures to identify, inspect and evaluate the critical elements of some bridges, the FHWA issued the most recent NPRM for public comment on April 7, 1987.

The enactment of the 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA) on April 2, 1987 (Public Law 100-17), strengthened the congressional mandate for the NBIS by making the requirements for NBIS a separate section of Title 23 of the U.S. Code. It had previously been a part of 23 U.S.C. 116, Maintenance. It is now designated 23 U.S.C. 151, National Bridge Inspection Program.

Discussion of Comments and Revisions

A total of 61 commenters responded to the NPRM. One of these provided two separate comments on the proposal. Comments were received from 31 State transportation agencies, 5 local governmental agencies, 3 consumer groups, 3 Federal agencies, 5 professional societies, 8 engineering consulting firms, 1 member of Congress, and 4 private citizens.

General Comments

A total of 14 commenters expressed opinions on issues which were not specifically addressed in the NPRM.

1. Eleven of these urged the FHWA to adopt minimum qualification requirements for underwater inspectors that are at least as restrictive as for bridge inspection team leaders. These commenters are concerned that most commercial divers have no expertise or experience in inspection and evaluation of bridge condition. Discussion: The determination of which bridges require inspector-divers should be made by the individual in overall charge of the State program on a case-by-case basis. Such determinations should be made by considering the substructure type, past experience, scour studies and predictions, an assessment of the potential for impurities within the water to attack substructure elements and other appropriate evaluations. For some bridges it may be necessary for divers to have bridge inspection expertise and experience. For many other bridges where underwater inspection is required, a fully qualified inspector on the surface can give sufficient guidance to a diver to determine adequately the condition of the bridge members and

streambed not readily visible from above water.

2. One commenter was concerned that the FHWA has proposed the elimination of requirements for inspection of Interstate highway bridges. Discussion: The NPRM did not propose elimination of any requirements for inspection of bridges on any public highway.

3. One commenter requested a 60 day extension of the original 60 day comment period and also suggested that the NPRM would have sufficient impact to constitute a major regulatory proposal. Discussion: The comment period was extended 30 days even though it was believed that an additional period for comment was not necessary. In order for a proposed regulation to be considered as a major regulatory proposal, it must have a substantial impact as measured on a macroeconomic basis on the entire nation. The NPRM proposed changes in the existing regulation which would not meet this criterion.

4. Two commenters suggested that the Brooks Act (Public Law 92-582) procurement procedures be followed when securing engineering services for bridge inspection work. This law requires that qualifications of prospective consultants be considered as the initial determinant for obtaining engineering services; then the price is negotiated with the selected firm. Discussion: While the procurement of engineering services is not covered under the existing or proposed NBIS, Section 111 of the 1987 STURAA contains new requirements pertaining to contracting for engineering and design services. This section requires that States use qualification based selection procedures for engineering services unless the State uses a formal procurement procedure that is required by State statute or is subsequently established by State statute. To the extent that engineering services are obtained using Federal highway fund participation, the provisions of Section 111 of the 1987 STURAA apply. However, many State and local governments carry out bridge inspection programs without Federal fund participation. Others make use of a portion of their apportioned Highway Replacement and Rehabilitation Program or Highway Planning and Research funds for bridge inspection activities. When such Federal funds are used, the Section 111 provisions apply.

5. Ten commenters responded to the FHWA request for input as to what length a comprehensive training course for bridge inspectors should be. While this definition is not regulatory, States,

local governments and other agencies have expressed some concern about FHWA's guidance to the effect that a comprehensive bridge inspection course should be 3 weeks long for technicians and 2 weeks long for engineers or equivalent. Nine of the comments were made by State highway agencies and one was submitted by a professional organization. There was no clear consensus of comments. However, the majority of commenters expressed the opinion that a combination of classroom and on the job training is needed to ensure adequate bridge inspection expertise of team leaders and team members. Most commenters suggested that about 2 weeks of classroom training plus on the job training would be more appropriate than a straight 3 week classroom course. Some suggested that a one week long course which is updated and attended annually by all bridge inspectors would be sufficient. Two commenters suggested that the adequacy of bridge inspection team leaders and team members be evaluated by the FHWA field offices during annual reviews of the State bridge inspection program. Discussion: Because bridge inspectors must have a basic knowledge of how loads are distributed throughout the bridges, the importance of the various components of bridges to safety and a general understanding of the effects of deterioration upon safe load capacity, the FHWA believes that each State should have a comprehensive training program to meet these requirements. The FHWA will continue to recommend a minimum course duration of 2 weeks for engineers not experienced in bridge inspection and 3 weeks for technicians. Both should be supplemented periodically, preferably annually, by a short refresher or updated formal training session. This guidance will not be made regulatory at this time.

When a State believes that prospective bridge inspection team leaders have gained requisite knowledge through experience and study outside of the recommended comprehensive training, the new, alternate qualification for bridge inspection team leaders, NICET Level III Certification, as discussed later in this presentation is available. A State could train its inspectors as deemed appropriate and qualify them through NICET testing. It should be noted that the 1987 STURAA made some changes in Title 23 of the U.S. Code which affect the NBIS. Before enactment of the 1987 Act, the requirement that the Secretary of Transportation establish and implement the NBIS was contained in 23 U.S.C. 116

(d) and (e). Section 125 of the new Act established a new section 151 of Title 23, National Bridge Inspection Program, as a separate section of Title 23. The requirements for a national bridge inspection program were not changed substantively from previous law. However, the new section clearly states the intent of the U.S. Congress that training of bridge inspectors is of high priority and that various categories of Federal funds, including Highway Bridge Replacement and Rehabilitation Program and Highway Planning and Research funds, may be used by the States to participate in inspection and bridge inspection training programs.

The specific changes in the NBIS which were proposed in the NPRM dealt with (1) frequency of inspection, (2) inspection of fracture critical members, underwater inspections and other special inspections, (3) certification of bridge inspectors and (4) prompt updating of bridge inventory files when load posting signs are placed at specific bridges.

1. Frequency of Inspection

Forty-six commenters addressed this issue. Thirty-three of them were in favor of providing for additional flexibility in inspection frequency for bridges and thirteen were not in favor of any change. The majority of commenters in favor of the change had specific concerns or suggestions for implementing the change. Most agreed that State experience, age, condition, type and frequency of traffic volume as suggested in the NPRM should be considered along with other considerations.

Several commenters suggested that no bridge should be inspected less frequently than once every 2 years until it had at least one in-depth inspection. Three others suggested that only bridges with high sufficiency and key element condition and appraisal ratings be considered for less frequent inspections. Suggested minimum condition ratings ranged from 6 to 8 and suggested minimum sufficiency ratings ranged from 40 to 50. Two comments were made that a 2-year frequency should be kept for all bridges greater than 15 or 20 years old. A number of commenters emphatically stated that all scour vulnerable bridges should be inspected immediately after or during floods. Others stated that load posted bridges and bridges with fatigue-prone, pin connections, complex welded, non-redundant or damaged members should be inspected at least once every 2 years. Several agreed that longer periods between inspections are appropriate for concrete culverts and short span concrete Tee beam and slab bridges in

good condition but metal culvert bridges that depend upon shape for stability should be inspected more frequently.

Thirteen commenters against the proposal were generally concerned that lengthening the time between inspections would have an adverse effect on bridge safety. A number of State Department of Transportation commenters believe that their maintenance and bridge management data needs will require them to continue to inspect all bridges at least every 2 years. Others have State laws which require inspection every one or 2 years. At least 5 of the commenters strongly emphasized that some bridges need to be inspected more often than once every 2 years. One commenter erroneously thought that the proposal would eliminate inspections of bridges carrying the Interstate highway system. Another commenter suggested that 4 or more years between in-depth inspections may be appropriate for all structures but at least a walk around, visual inspection should be made of each bridge once every 2 years. One commenter emphasized that the current 2 year maximum period between inspections should be the absolute maximum time between inspections. Two commenters strongly suggested that bridge owners should be required to place much more emphasis and resources into bridge inspection programs.

One Federal agency suggested that it should have the authority to decide the appropriate inspection interval for its bridges rather than State officials in the various States where Federal agency bridges are located.

Several State commenters expressed concern that approval procedures for non-standard inspection frequencies should not be too complex and that local FHWA offices should be delegated approval authority for State procedures. *Discussion:* The current NBIS requires that the individual in charge of State bridge inspection programs make the determination as to inspection procedures, inspection frequency (up to a maximum of 2 years), inspection depth and when special inspections should be carried out. The changes in the NBIS in this final rule action will continue that basic provision. However, based upon an evaluation of the comments received and an evaluation of bridge inspection experience and bridge performance, a determination has been made that some newer bridges in relatively good condition which are not load restricted and which have no fracture critical members may be candidates for inspection frequencies longer than 2 years. The individual in charge of State

programs will have the choice of continuing to inspect bridges at least once every 2 years (more often if circumstances dictate) or inspecting most bridges at least once every 2 years and some bridges in good condition at greater intervals. A maximum time of 4 years between inspections is suggested. Only under very unique and special circumstances would longer periods be considered for approval by the FHWA.

In order to gain the FHWA approval of longer periods between inspections for groups of bridges, it is the intent of the FHWA that the State will cause all bridges to be inspected within 2 years of initial opening to traffic in sufficient depth to determine that initial service conditions have not caused adverse behavior or deterioration of the elements of the superstructure, substructure, foundation or waterway.

Certain bridge types such as concrete culverts of bridge length, short span Tee beam and slab bridges in good condition over well behaved waterways and other topographic barriers would be likely candidates for increased inspection intervals.

It is expected that any State submitting a plan to the FHWA for an increased inspection interval would consider structure age, condition, volume, type and frequency of traffic, degree of redundancy, past history of performance, whether the waterway has a history of scour or erosion problems, whether underwater inspections have been performed and other relevant factors.

Some bridge owners erroneously believe that local bridges on relatively low volume roads can be inspected at intervals of 4 or more years with little regard for the age, condition or load capacity of these structures. It is clearly not the intent of the FHWA that these revisions of the NBIS would reduce inspection effort on any but relatively new bridges which performance history and other relevant considerations have shown to be good candidates for increased inspection intervals.

In order to gain FHWA approval, States would be expected to submit inspection plans to the FHWA which include a comprehensive discussion of their proposed criteria for lengthening the period between inspections for identified groups of bridges, the numbers and types of bridges affected, the proposed inspection interval and an assessment of the frequency and degree of overload on the identified bridges.

Other Federal agencies would be expected to submit their inspection frequency exception plans through each affected State highway agency to the

FHWA for comment and approval. The intent is to make each State aware of the inspection plan procedures being proposed for all bridges on public roads within the State.

It is expected that the FHWA will soon be issuing a technical advisory through its field offices to State highway agencies regarding inspection frequency plan submittals. The guidance will address methods for identifying and grouping bridges as candidates for increased inspection intervals and suggested criteria for inspection of some bridges more often than once every 2 years.

It must be noted that all bridge owners should also have criteria for identifying bridges which must be inspected more often than every two years as shown in the AASHTO Manual for Maintenance Inspection of Bridges. The final rule is changed slightly from the NPRM proposal to emphasize this requirement. In addition, special inspections are considered necessary after significant traumatic events such as earthquakes, fires and collisions with bridges.

2. Inspection of Fracture Critical Members, Underwater Inspections and Other Special Inspections

Thirty-two commenters addressed this portion of the NPRM. Twenty-seven were in favor of the proposed requirements while 5 were not in favor of portions of this aspect of the NPRM. All commenters agreed that States should identify those bridges with fracture critical members. Most agreed that the inspection of such bridge elements should be specified. One commenter objected to the requirement that a master list be maintained and another objected to the requirement that an inspection frequency be identified for such bridge elements.

One State suggested some bridges with underwater elements in freestanding fresh water or with masonry or concrete piers or prestressed concrete or drilled shaft piles in salt or brackish water where scour is not a problem should not be subject to rigid underwater inspection requirements. Two commenters suggested that a 6-year maximum time between underwater inspections may be appropriate so that they can be dovetailed into multiples of the normal biennial inspections. One commenter pointed out the extreme difficulty of carrying out underwater inspection of bridges in fast moving turbulent rivers. In extreme cases divers cannot work near the pier faces.

Two commenters recommended that the FHWA's Recording and Coding

Guide for the Structure Inventory and Appraisal of the Nation's Bridges be changed to include data entry items for inspection of fracture critical members, underwater inspection and other special inspections. *Discussion:* The need to identify and keep careful, complete records of required inspection procedures, inspection findings, follow-up actions and inspection frequencies of fracture critical bridge members has been demonstrated vividly in the several catastrophic failures during the last two decades. Bridge inspectors need to know precisely where and how to look and evaluate findings from inspections of critical features. They should have written instructions within the inspection file for each such bridge in order to plan and carry out needed inspections and evaluations. The frequency of such inspections can range from as often as weekly to no more than during the regularly scheduled biennial inspections. (Except for underwater inspections which can be up to 5 years apart as discussed below.) It is incumbent on the individual in charge of the State program, or equivalent, to make these decisions and to positively convey them to the inspection team. A systematic procedure with positive requirements for rational decisions by the individual in overall charge of the program is strongly believed to be necessary for adequate monitoring of fracture critical members.

The FHWA is in the process of updating the Recording and Coding Guide for the Structure Inventory and Appraisal of the nation's bridges. One revision is to include an item for keeping track of fracture critical members, underwater inspections and other special inspections.

Underwater inspections have been considered necessary for evaluating the overall safety and load carrying capacity of bridges since the inception of the NBIS and the AASHTO Manual for Maintenance Inspection of Bridges. Specific requirements are included in the AASHTO Manual for Maintenance Inspection of Bridges which are currently included in the NBIS by reference. However, in the past, not all bridge owners have allocated sufficient resources to carry out comprehensive underwater inspection programs.

The FHWA intends that the term underwater inspection be defined as one or more of several techniques including, but not limited to, tactile evaluation at low water, use of scuba or hard hat divers, underwater cameras or other devices to see subsurface structural and stream bed or bottom conditions, underwater radar or sonar devices and

use of weighted lines and probes for scour hole or bottom mapping.

It is the intent of the FHWA that the techniques, frequency and records kept be adequate to establish the integrity of all individual bridges over water and may ultimately provide a basis for extending the frequency of inspection beyond 5 years for some categories of foundation types. However, the collective best judgment of professional bridge, hydraulic and geotechnical engineers as expressed by the current AASHTO Guide for Bridge Maintenance Inspection and comments received regarding this rulemaking procedure is that strong underwater inspection programs which encompass all bridges over waterways are currently needed. The 5 year maximum between underwater inspections is appropriate until a sufficient national data base to alter the period is established and evaluated. Many structures subject to adverse underwater conditions should be inspected more often. The AASHTO Guide for Maintenance Inspection of Bridges requires that structure steel substructure elements in corrosive environments be inspected at least once every 2 years. Streams, rivers and other waterways with known or suspected scour potential should be inspected after every major runoff event to the extent necessary to ensure bridge foundation integrity. The FHWA will soon be issuing a Technical Advisory on evaluation of scour potential and scour vulnerability which will offer guidance to bridge owners on evaluating existing bridges.

The FHWA will continue to work with the States, other bridge owners, researchers and other knowledgeable individuals to refine and improve underwater inspection criteria and procedures. It is expected that each State will have a written rationale and criteria for determining which bridges require underwater inspection, the inspection procedure and the frequency.

While it is expected that bridge owners will designate inspection procedures, frequency, follow-up actions, etc., for fracture critical members, underwater and other special inspections in the individual inspection files for such bridges, the addition of a special data item to the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges should make it relatively simple for States to establish a master list for affected structures.

3. Certification of Bridge Inspectors

Thirty-two commenters addressed the NPRM proposal to add NICET Level III

Bridge Safety Inspection Certification as an alternative minimum qualification option for bridge inspection team leaders. Twenty four were in favor of the proposal and eight expressed reservations about it.

Two professional societies and one State recommended that only professional engineers or graduate engineers with bridge inspection training be used as bridge inspection team leaders. One State commented that the NICET III experience and testing requirements are too severe for bridge inspection team leaders. Four States recommended that a minimum training and experience requirement be added to the NICET Level III proposed qualification. *Discussion:* This provision is being added to the NBIS to comply with new section 151(b)(5) of Title 23 of the U.S. Code which was added by section 125 of the 1987 Surface Transportation Act of 1987 (Pub. L. 100-17). This new section requires the U.S. Secretary of Transportation to "establish a procedure for national certification of highway bridge inspectors." The NICET Level III and IV Bridge Safety Inspection certification is based upon a combination of experience and satisfactory scores on standardized tests concerning a broad spectrum of bridge knowledge and inspection and evaluation skills. Individuals successfully achieving certification at Level III plane are required to have a minimum of 5 years of bridge inspection related experience. In permitting NICET Level III or IV Bridge Safety Inspection certification as an alternate to the current minimum requirements for inspection team leaders [(1) registration as a professional engineer, (2) eligibility for registration as a professional engineer in the State or (3) a minimum of 5 years of bridge inspection experience and have completed a comprehensive training course in bridge inspection], the only change would be that team leaders would be substituting successful passage of a standardized test, covering virtually the entire range of knowledge and skills necessary for bridge inspection, for the comprehensive training course which nonregistered professional engineer team leaders must take to combine with their five years of bridge inspection experience.

Many States and bridge owners may properly choose to provide additional training for NICET Level III certified inspectors. This is highly encouraged.

A State may choose any level of minimum requirements that it considers appropriate for bridge inspection team leaders, provided that they are at least the same as one of the NBIS

alternatives. Some States may require registered professional engineer team leaders. Others are able to accomplish most needed work with highly trained, experienced technicians. However, all bridge owners agree that some bridges require a great deal of specialized experience and knowledge which can only be provided by an experienced professional bridge engineer. This is especially true for the evaluation of the safe load capacity of bridges which have any uncommon features of design or have deteriorated to the point that specialized analysis is appropriate.

Because bridge inspection team leaders must in their day-to-day inspections make judgments as to the specific integrity, safety and load carrying capacity of both individual elements and the collective elements of individual bridges acting as a unit, it is essential that team leaders be well trained and experienced in bridge performance and inspection techniques.

4. Prompt Updating of Bridge Inventory Files When Load Posting Signs Are Placed at Specific Bridges

Twenty-two commenters provided input on this proposal. Fifteen were in accordance with the proposed change and 7 expressed reservations against it. The majority commenting in favor of the proposal stated that they were already updating their bridge inventory files within 90 days of completion of any rehabilitation, replacement or load posting action.

One commenter suggested that the prompt reporting requirement should be expanded to require that load posting signs be placed as soon as possible, but no later than 90 days after load capacity evaluation indicates that load restrictions are needed.

Most commenters not in favor of the proposal stated that updating the inventory within 90 days would be extremely difficult to carry out for bridges not directly maintained by State forces. Local bridge owners, Federal agency bridge owners and toll authorities are generally not under the authority of State highway agencies for these matters. Three commenters suggested that updating the load posting status during the next scheduled inspection would be appropriate. Two commenters suggested that a 180-day requirement for updating State bridge inventory files would be more reasonable when replacement, rehabilitation or load posting changes the status of a bridge. *Discussion:* The current NBIS requires that State inventory date on newly completed bridges or modified bridges be entered within 90 days of completion. The

majority of States have had no problem with this requirement for bridges under the direct jurisdiction of the State. But many States have had considerable difficulty getting prompt inventory data from bridges under the jurisdiction of local governments or Federal agencies. Therefore, the requirement for prompt updating of inventory data for bridges under the jurisdiction of local governments or Federal agencies is changed from the NPRM 90 day limit to 180 days. These same States have generally had difficulty in convincing local bridge owners that load posting signs should be promptly placed whenever load evaluation indicates that a bridge cannot continue to safely carry legal loads. Because load restrictions have a direct effect upon the economic well being of State and local geographic areas, it is appropriate for States to have a reasonably current knowledge of the maximum safe load capacity of the various routes within its boundaries. This information is vital during periods of national, State or local emergencies and is needed for routing permit loads through the State on a day-to-day basis. Such information is also critical to day-to-day Statewide bridge management decisions.

States are strongly encouraged to have positive, written follow-up procedures in effect to ensure that local governments and other bridge owners inform the State promptly when changes occur to a bridge which affect its load capacity. This is particularly desirable to ensure that load posting recommendations, which are often made by the States as the result of their inspections, are carried out by local bridge owners.

In summary, there are many excellent reasons for ensuring the prompt updating of State bridge inventory files whenever any bridge on a public road within the State has a change in its safe load capacity. The reasons range from national defense to effects on the local economy.

However, because it is recognized that it can sometimes be difficult to obtain current information for bridges not under State jurisdiction, an extension beyond the 90-day maximum proposed may be appropriate. Therefore, the final rule is changed slightly from the NPRM proposal to reflect this. Prompt load posting, where needed, is strongly encouraged and required, but State inventory records for bridges not under the jurisdiction of the State may take as long as 180 days. The new requirement will be for prompt updating of State bridge inventory files within 90 days for newly completed,

rehabilitated or load posted bridges under the jurisdiction of the State and for similar updating within 180 days for all bridges on public roads in the States that are not directly under State jurisdiction.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant rulemaking action under the regulatory policies and procedures of the Department of Transportation.

It is anticipated that this final rule will have a neutral or positive economic impact on State highway agencies. Additional inspection effort will be required on some bridges where fracture critical details, more comprehensive underwater inspections and other special inspections may be required. On the other hand, some States may identify some bridges in good condition which are candidates for inspection at intervals longer than every 2 years. If FHWA approves the State plans for these longer periods between inspections, the additional resources so made available could be directed towards offsetting any additional costs of fracture critical member, underwater and other special inspections. Also, since States would be under no obligation to propose greater time intervals between inspections for any bridges, it is not anticipated that this final rule will have a significant economic effect. Accordingly, a full regulatory evaluation has not been prepared.

For the foregoing reasons, the FHWA certifies that this rulemaking action, under the criteria of the Regulatory Flexibility Act, will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) the reporting or recordkeeping provisions that are included in this rule are being submitted to the Office of Management and Budget (OMB) for approval.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

In consideration of the foregoing, the FHWA hereby amends Part 650, Subpart C of Title 23, Code of Federal Regulations, as set forth below.

List of Subjects in 23 CFR Part 650

Bridges, Grant programs—
transportation, Highways and roads.

Issued on: August 22, 1988.

Robert E. Farris,
Federal Highway Administrator.

The FHWA amends 23 CFR Part 650, Subpart C as follows:

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

1. The authority citation for Part 650 is revised to read as follows and all other authority citations which appear throughout Part 650 are removed:

Authority: 23 U.S.C. 109 (a) and (h), 144, 151, 351, and 319; 23 CFR 1.32; 49 CFR 1.48(b). E.O. 11988—Floodplain Management, May 24, 1977 (42 FR 26951); Department of Transportation Order 5650.2 dated April 23, 1979 (44 FR 24678); section 161 of Pub. L. 97-424, 96 Stat. 2097, 3135; Pub. L. 97-134, 95 Stat. 1699; and 33 U.S.C. 401 491 *et seq.*, 511 *et seq.*

Subpart C—National Bridge Inspection Standards [Amended]

2. Footnote number one in § 650.303(a) is amended by revising the first sentence to read as follows:

§ 650.303 Inspection procedures.

* * * * *

1 The "AASHTO Manual" referred to in this part is the "Manual for Maintenance Inspection of Bridges 1983" together with subsequent interim changes or the most recent version of the AASHTO Manual published by the American Association of State Highway and Transportation Officials. * * *

3. Section 650.303 is amended by adding paragraph (e) to read as follows:

(e) The individual in charge of the organizational unit that has been delegated the responsibilities for bridge inspection, reporting and inventory shall determine and designate on the individual inspection and inventory records and maintain a master list of the following:

(1) Those bridges which contain fracture critical members, the location and description of such members on the bridge and the inspection frequency and procedures for inspection of such members. (Fracture critical members are tension members of a bridge whose failure will probably cause a portion of or the entire bridge to collapse.)

(2) Those bridges with underwater members which cannot be visually evaluated during periods of low flow or examined by feel for condition, integrity and safe load capacity due to excessive water depth or turbidity. These members shall be described, the inspection frequency stated, not to exceed five years, and the inspection procedure specified.

(3) Those bridges which contain unique or special features requiring additional attention during inspection to ensure the safety of such bridges and the inspection frequency and procedure for inspection of each such feature.

(4) The date of last inspection of the features designated in paragraphs (e)(1) through (e)(3) of this section and a description of the findings and follow-up actions, if necessary, resulting from the most recent inspection of fracture critical details, underwater members or special features of each so designated bridge.

4. Section 650.305 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 650.305 Frequency of inspections.

(b) Certain types or groups of bridges will require inspection at less than 2-year intervals. The depth and frequency to which bridges are to be inspected will depend on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors will be the responsibility of the individual in charge of the inspection program.

(c) The maximum inspection interval may be increased for certain types or groups of bridges where past inspection reports and favorable experience and analysis justifies the increased interval of inspection. If a State proposes to inspect some bridges at greater than the specified 2-year interval, the State shall submit a detailed proposal and supporting data to the Federal Highway Administrator for approval.

5. Section 650.307 is amended by revising paragraph (a)(3), adding paragraph (b)(3), and adding footnotes three and four to read as follows:

§ 650.307 Qualifications of personnel.

(a) * * *

(3) Have a minimum of 10 years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the, "Bridge Inspector's Training Manual,"² which has been developed by a joint Federal-State task force, and subsequent additions to the manual.³

(b) * * *

(3) Current certification as a Level III or IV Bridge Safety Inspector under the National Society of Professional Engineer's program for National Certification in Engineering Technologies (NICET)⁴ is an alternate acceptable means for establishing that a bridge inspection team leader is qualified.

* The following publications are supplements to the "Bridge Inspector's Training Manual": "Bridge Inspector's Manual for Movable Bridges," 1977, GPO Stock No. 050-002-00103-5; "Culvert Inspector's Training Manual," July 1986, GPO Stock No. 050-001-0030-7; and "Inspection of Fracture Critical Bridge Members," 1986, GPO Stock No. 050-001-00302-3.

* For information on NICET program certification contact: National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, Virginia 22314, Attention: John D. Antrim, P.E., Phone (703) 684-2835.

6. Section 650.311 is amended by revising paragraph (b) to read as follows:

§ 650.311 Inventory.

(a) * * *

(b) Newly completed structures, modification of existing structures which would alter previously recorded data on the inventory forms or placement of load restriction signs on the approaches to or at the structure itself shall be entered in the State's inspection reports and the computer inventory file as promptly as practical, but no later than 90 days after the change in the status of the structure for bridges directly under the State's jurisdiction and no later than 180 days after the change in status of the structure for all other bridges on public roads within the State.

[FR Doc. 88-19392 Filed 8-25-88; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

West Virginia Abandoned Mine Land Reclamation Plan, Approval of Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of proposed amendments to the West Virginia Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter referred to as the West Virginia plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments concern modifications to reflect changes that have occurred in the State government and agency structure, public participation procedures, and a proposal to assume responsibility for administering an emergency reclamation

program. After opportunity for public comment and review of the amendment, the Deputy Director has determined that the West Virginia amendment meets the requirements of the Surface Mining Control and Reclamation Act and the Secretary's regulations at 30 CFR Part 884.

EFFECTIVE DATE: August 26, 1988.

ADDRESSES: Copies of the full text of the amendment are available for review during regular business hours at the following locations:

West Virginia Department of Energy,
1615 Washington Street East,
Charleston, West Virginia 25311
Office of Surface Mining Reclamation
and Enforcement, Charleston Field
Office, 603 Morris Street, Charleston,
West Virginia 25301.

FOR FURTHER INFORMATION CONTACT:
Mr. James C. Blankenship, Jr., Director,
Charleston Field Office, Office of
Surface Mining Reclamation and
Enforcement, 603 Morris Street,
Charleston, WV 25301, Telephone (304)
347-7164.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior approved the West Virginia plan on February 23, 1981. Information pertinent to the general background, revisions, and amendments to the initial program submission, as well as the Secretary's findings and the disposition of comments can be found in the January 23, 1981 Federal Register (46 FR 7324-7327).

The Secretary has adopted regulations that specify the content requirements of a State Reclamation Plan and the criteria for plan approval (30 CFR Part 884). The regulations provide that a State may submit to the Director proposed amendments or revisions to the approved reclamation plan. If the amendments or revisions change the scope or major policies followed by the State in the conduct of its reclamation program, the Director must follow the procedures set out in 30 CFR 884.14 in approving or disapproving an amendment or revision. Subsequent actions taken with regard to the West Virginia plan can be found in 30 CFR 948.20 and 948.25.

II. Discussion of Amendments

By letter dated December 30, 1987, West Virginia submitted amendments to the West Virginia plan. The amendments consisted of revised narratives to replace several sections of the approved West Virginia plan as provided for by 30 CFR 884.13.

Specifically, the following areas of the plan are being revised:

(1) Organization (30 CFR 884.13(d)(1)&(2)): West Virginia proposed to update certain portions of its AMLR plan to reflect changes that have occurred in the State government and agency structure. The State also submitted material outlining the administration of a proposed State emergency response reclamation program and procedures for coordinating with OSMRE.

(2) Public participation (30 CFR 884.13(c)(7)): West Virginia proposed amending its public participation procedures by requiring a public hearing on proposed State AML grants at the State's Division of Abandoned Mine Lands office in Charleston, West Virginia rather than at every Regional Planning and Development Council. Specifically, the amendment provides that prior to submission of a construction grant application to OSMRE, the West Virginia Department of Energy would conduct at least one public meeting in Charleston, West Virginia to describe the grant submittal's contents. Additional public meetings could also be conducted in other appropriate locations for specific sites in the grant application if certain specified criteria was met. All public meetings would be conducted as part of the grant submittal process and be announced via news releases and legal advertisements. The legal advertisements would, in turn, be placed in newspapers with circulations in the locations of the proposed projects and would comply with Chapter 59, Article 3 of the Code of West Virginia. Copies of the news releases and legal advertisements would also be on file in the Office of the West Virginia Secretary of State.

(3) State emergency response reclamation activities: West Virginia has requested authority to assume the emergency response reclamation activities authorized by section 410 of SMCRA. On September 29, 1982, OSMRE informed the States and Tribes of the opportunity to amend their reclamation plans to include the responsibility for administering emergency response reclamation activities (47 FR 42729-42730). For a State to undertake such activities as part of its reclamation program, it must demonstrate that it has the statutory authority to administer emergency reclamation activities, the technical capabilities to design and supervise emergency response work, and the appropriate procurement procedures to quickly respond to emergencies either directly or through contractors. The

State of West Virginia has submitted material complying with these requirements.

OSMRE announced receipt of the proposed amendments in the April 11, 1988 Federal Register (53 FR 11888-11889), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on their substantive adequacy.

No public comments were received before or after May 11, 1988, the close of the public comment period. Since no one requested an opportunity to testify at a public hearing, the scheduled hearing was cancelled.

Under SMCRA, OSMRE codifies the approved requirements of individual States including decisions on State reclamation plans and amendments under Parts 900 to 950 of 30 CFR Subchapter T. Provisions relating to West Virginia are found in 30 CFR Part 948.

III. Deputy Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR Part 884 and the criteria for assumption of emergency response activities specified in 47 FR 42729-42730, are the Deputy Director's findings concerning the proposed amendments to the West Virginia AMLR Plan.

(1) Organization (30 CFR 884.13(d) (1) and (2))

West Virginia proposes to update its AMLR Plan to reflect changes that have occurred in the State government and agency structure. Since publication of the plan in the Federal Register, further changes to the organizational structure have been made by the State legislature and signed into law by the Governor of West Virginia. These additional changes created the Division of Abandoned Mine Lands in the West Virginia Department of Energy and provided for a Director of the Division to serve at the will and pleasure of the Commissioner of Energy.

The Deputy Director finds that these changes do not materially impact the operation of the AMLR program.

(2) Public Participation (30 CFR 884.13(c)(7))

West Virginia proposes to centralize its public participation procedure by requiring a public hearing at the State's Division of Abandoned Mine Lands office in Charleston, West Virginia rather than at every Regional Planning and Development Council. Additional opportunity for public involvement will be provided for projects costing over \$1 million, potentially controversial projects or upon request by local interests.

The Deputy Director finds that West Virginia's approach is reasonable, cost effective and consistent with 30 CFR 884.13(c)(7).

(3) State emergency reclamation activities (47 FR 42729-42730)

West Virginia submitted a comprehensive package to demonstrate that it has the statutory authority to administer emergency reclamation activities, the technical capabilities to design and supervise emergency response work, and the appropriate procurement procedures to quickly respond to emergencies either directly or through contractors.

Based upon the Agency's substantive review and after considering other agency comments, the Deputy Director finds that the West Virginia Department of Energy has complied with the emergency program guidelines and qualifies for assumption of emergency response capability within the constraints imposed by law and Departmental regulations.

(4) Additional findings

The State has the legal authority, policies and administrative structure necessary to implement the amendment.

The proposed plan amendment meets all requirements of the OSMRE AMLR Program provisions.

The State has an approved Surface Mining Regulatory Program.

The proposed plan amendment is in compliance with all applicable State and Federal laws and regulations.

IV. Other Agency Comments

As discussed in the section of this notice entitled "Discussion of Amendment," the Deputy Director solicited public comment and provided opportunity for a public hearing on the proposed amendments. No comments were received from the public during or after the comment period, which closed on May 11, 1988. Since no one requested an opportunity to testify, the public hearing scheduled for May 6, 1988, was cancelled.

Pursuant to 30 CFR 884.14(2), comments were also solicited from various Federal agencies with an actual or potential interest in the West Virginia plan. A summary of the comments received and their disposition appears below:

1. The U.S. Army Corps of Engineers recommended that the engineers assigned to the State's emergency reclamation program be registered professional engineers with experience in embankment design and construction and in mining operations. In response, the Deputy Director notes that under the

West Virginia Plan only qualified applicants can be certified and hired for each position classification within the State Civil Service System. The comment, though outside the scope of this rulemaking, has been passed on to the State for its future consideration.

2. The National Park Service encouraged the State and OSMRE to reclaim more sites affecting units of the National Park System. Though this comment is outside the scope of this rulemaking, the Deputy Director notes and reaffirms previous commitments in this area, including a National OSMRE/NPS cooperative initiative that has already resulted in a significant positive reclamation effort in the New River Gorge National River.

3. Both the Environmental Protection Agency and U.S. Fish and Wildlife Service expressed reservations about an implication in the amendments that appeared to waive regulatory requirements for mineral extraction in association with AML reclamation efforts. The Deputy Director concurred and required the State to revise this section to conform with pertinent provisions of the Clean Water Act, 30 CFR Part 707, and the Office's recently published Federal Assistance Manual (FAM) policy (Chapter 4-06).

4. The Environmental Protection Agency also encouraged continuation of high level coordination between the State Departments of Energy and Natural Resources in consideration of abandoned mine drainage problems for cleanup funding. The Deputy Director concurs and has consulted with the State.

5. The U.S. Fish and Wildlife Service recommended more stringent coordination guidelines to assure adequate identification and evaluation of impacts of fish and wildlife resources. Though not within the scope of this rulemaking, the Deputy Director concurs and notes that components of this issue have surfaced in previous annual oversight reviews. OSMRE has submitted this comment to the State for further consideration and has suggested that coordination guidelines be developed.

6. The U.S. Fish and Wildlife Service commented that the State provided no specific guidelines to preclude harm to environmental resources resulting from emergency corrective measures and states that there appears to be enough time for coordination with other agencies. Although the Department Manual and CEQ regulations exempt emergencies from the review procedures, both OSMRE and the State share the U.S. Fish and Wildlife's

concern to minimize environmental harm. Under the State's approved AML program, the State has established coordination efforts with the U.S. Fish and Wildlife Service and will continue to follow such practices during the administration of the emergency program where time permits. In addition, OSMRE's oversight of the State's emergency program and its site by site review and approval of emergency projects will seek to minimize and offset potential adverse impacts from reclamation activities.

V. Deputy Director's Decision

Based upon the Findings enumerated above the Deputy Director is approving the amendment package. A copy of the approved amendment can be obtained by contracting the Offices listed under "ADDRESSES".

VI. Procedural Matters

1. National Environmental Policy Act

The Office of Surface Mining Reclamation and Enforcement has determined that the approval of State AMIR plans and amendments are categorically excluded from compliance with the National Environmental Policy Act by the Department of the Interior's Manual, 516 DM 2.p.B-1.

2. Executive Order 12291 and the Regulatory Flexibility Act

On November 23, 1987, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State AMLR plans. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

Author

The principal author of this rule is Carl A. Walker, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, Charleston Field Office,

Charleston West Virginia 25301; Telephone (304) 347-7160 (commercial).

Effective Date

The final rule is effective upon date of publication. Under 5 U.S.C. 553(d), a rule may not be made effective less than 30 days after publication, unless, among other things, good cause exists and is published with the rule. Good cause exists to make the final rule effective upon publication because: (1) West Virginia's Division of Abandoned Mined Lands and Reclamation is fully staffed and prepared to administer the emergency reclamation program, and (2) OSMRE wishes to expedite grant assistance to the State to initiate emergency reclamation work.

List of Subjects in 30 CFR 948

Coal mining, Intergovernmental relations, Surface Mining, Underground mining, Abandoned Mine Land Plans.

(Pub. L. 95-87 U.S.C. 1201 *et seq.*)

Robert E. Boldt,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

Date: August 19, 1988.

PART 948—WEST VIRGINIA

1. The authority citation for Part 948 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 948.25 a new paragraph (b) is added to read as follows:

§ 948.25 Approval of state abandoned mine reclamation plan amendments.

(b) The West Virginia amendment, consisting of modifications to reflect changes that have occurred in the State government and agency structure, public participation procedures, and assumption of responsibility for administering an emergency reclamation program, as submitted on December 30, 1987, and modified on June 27, 1988, is approved effective August 26, 1988.

[FR Doc. 88-19462 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 21

Vocational Rehabilitation Panel

AGENCY: Veterans Administration.

ACTION: Final regulatory amendment.

SUMMARY: The Veterans Administration (VA) is changing the procedure under which a special review is provided in cases in which discontinuance of the

rehabilitation program of a veteran with a service-connected disability of 50 percent or more is being considered. These reviews are currently conducted by the Vocational Rehabilitation Panel (VRP). This responsibility is being reassigned to the Vocational Rehabilitation and Counseling Officer (VR&C). The change provides greater flexibility in utilizing the VRP, improves program administration, and maintains the quality of service to seriously disabled veterans.

EFFECTIVE DATE: This regulation is effective September 26, 1988.

FOR FURTHER INFORMATION CONTACT: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-2886.

SUPPLEMENTARY INFORMATION: At pages 1042 and 1043 of the Federal Register of January 15, 1988, the VA published proposed regulations to change the rules under which a special review is provided in cases in which discontinuance of the rehabilitation program of a veteran with a service-connected disability of 50 percent or more is being considered. Interested persons were given 30 days in which to submit their comments, suggestions, or objections to the proposed regulatory amendments. Since no comments, suggestions or objections to the proposed regulatory amendments were received, the proposed rule is adopted.

The VRP is a multidisciplinary group of professional staff of the Veterans Administration. The VRP furnishes technical assistance in cases involving seriously disabled veterans and dependents. Under current provisions the VRP reviews each case in which discontinuance of the rehabilitation program of a veteran with a service-connected disability evaluated at 50 percent or more disabling is being considered.

The VA is reassigning the responsibility for conducting this special review to the VR&C Officer. Under this change, the VR&C Officer can continue to utilize the assistance of the VRP as necessary in the individual case. The change provides greater flexibility in utilizing the VRP, improves program administration, and maintains the quality of service to seriously disabled veterans.

The regulations contained herein will better acquaint eligible veterans, vocational training and rehabilitation

facilities, and the public at large with the way these provisions will be implemented.

These final amendments do not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulations. The change will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Administrator certifies that these final regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulatory amendments concern only the internal Agency procedures for reviewing the eligibility and participation of individual veterans under this program.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 3, 1988.

Thomas K. Turnage,
Administrator.

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

§ 21.62 [Amended]

1. Section 21.62 is amended by removing paragraph (b)(4).

§ 21.198 [Amended]

2. Section 21.198 is amended by adding paragraph (b)(7) as set forth below:

§ 21.198 "Discontinued" status.

* * * * *

(b) * * *

(7) *Special review of proposed discontinuance action.* The Vocational Rehabilitation and Counseling (VR&C) Officer shall review each case in which discontinuance is being considered for a veteran with a service-connected disability rated 50 percent or more disabling. The VR&C Officer may utilize existing resources to assist in the

review, including referral to the Vocational Rehabilitation Panel (VRP).

(Authority: 38 U.S.C. 1504(a)(1))

* * * * *

[FR Doc. 88-19360 Filed 8-25-88; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 223, and 252

Defense Federal Acquisition Regulation Supplement; Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities

AGENCY: Department of Defense (DoD).

ACTION: Notice of extension of interim rule.

SUMMARY: The Defense Acquisition Regulatory Council has extended the expiration date of the interim rule published in the *Federal Register* on November 21, 1986 (51 FR 42095) and October 1, 1987 (52 FR 36774), presently in effect, which pertains to security of arms, ammunition, and explosives at contractor facilities.

DATES: This interim rule continues in effect and expires on January 1, 1989, unless sooner rescinded. There have been no changes to the October 1, 1987 revision.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

Charles W. Lloyd,
Executive Secretary, Defense Acquisition
Regulatory Council.

[FR Doc. 88-19385 Filed 8-25-88; 8:45 am]

BILLING CODE 3810-01-M

48 CFR Part 215

Department of Defense Federal Acquisition Regulation Supplement; Best and Final Offers (BAFOs)

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council has approved new coverage at DFARS 215.611 with respect to Best and Final Offers (BAFOs). This rule imposes new restrictions and approvals for the use of second and subsequent BAFOs. The rule, developed under DAR Case 88-94, ensures that multiple BAFOs are only used when necessary in the acquisition process and then under specific management controls.

EFFECTIVE DATE: August 10, 1988.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(P&L) (M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

The DAR Council has approved new coverage at DFARS 215.611 with respect to Best and Final Offers (BAFOs). This final rule imposes new restrictions and approvals for the use of second and subsequent BAFOs. The coverage is effective August 10, 1988, unless second or subsequent BAFOs have already been requested. The reporting system required by paragraphs (c)(S-71) and (c)(S-72) is to be in place by October 1, 1988.

B. Regulatory Flexibility Act

The final rule does not constitute a significant DFARS revision within the meaning of Pub. L. 98-577 and publication for public comment is not required. Therefore the Regulatory Flexibility Act does not apply. Comments from small entities concerning the affected DFARS Subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 88-610D.

C. Paperwork Reduction Act

The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 215

Government procurement.
Charles W. Lloyd,
Executive Secretary, Defense Acquisition
Regulatory Council.

Therefore, 48 CFR Part 215 is amended as follows:

PART 215—CONTRACTING BY NEGOTIATION

1. The authority citation for 48 CFR Part 215 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 215.611 is added to read as follows:

215.611 Best and final offers.

(c)(S-70) Second or subsequent requests for best and final offers require close monitoring and control at appropriate management levels in order to avoid auction techniques, enhance protection of source selection sensitive data, and ensure that contracts are awarded fairly and promptly. Unavoidable changes in requirements or funding or other compelling reasons may require a second or subsequent request for best and final offers; however, these circumstances should seldom occur when proper planning and review is accomplished before the initial request for best and final offers. Each request for second or subsequent best and final offers shall be approved before the request is issued, as follows:

(i) For competitive negotiated acquisitions under formal source selection (see FAR 15.612(a)), by the Source Selection Authority (SSA) and the Service Acquisition Executive (SAE). The SAE may delegate this authority to a level no lower than the Head of the Contracting Activity (HCA).

(ii) For all other competitive negotiated acquisitions, by the HCA. The HCA may delegate this authority to a level no lower than the chief of the contracting office.

(S-71) Each HCA shall establish a system for reporting and documenting second or subsequent requests for best and final offers, which shall as a minimum include—

(i) The total number of competitive negotiated acquisitions awarded;

(ii) The number of those acquisitions for which a second or subsequent request for best and final offers was approved and issued; and

(iii) The reasons for approving each second and subsequent request for best and final offers.

(S-72) Each HCA shall periodically examine the data collected and documented under 215.611(c)(S-71), analyze trends, and take any necessary action to provide training, revise approval levels or otherwise ensure that second or subsequent requests for best and final offers are used only when clearly necessary and unavoidable. The HCA shall provide summary reports to the SAE as specified in departmental procedures.

[FR Doc. 88-19386 Filed 8-25-88; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 70355-7127]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of catch limit increase in the General Category.

SUMMARY: NOAA issues this notice to adjust the catch limit for giant Atlantic bluefin tuna in the General Category from one to two fish per vessel per day. The regulations governing this fishery allow this adjustment during the fishing season based on a review of specified criteria. The intent of this action is to provide handgear fishermen an additional opportunity to harvest the quota.

EFFECTIVE DATE: August 27, 1988.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508-281-3600, ext. 324.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 through 971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction were published in the Federal Register on October 25, 1985 (50 CFR 43396).

Section 285.24(a) provides that the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), on or about September 1, may adjust the daily catch limit to a maximum of three giant Atlantic bluefin tuna per vessel per day based on a review of dealer reports, daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, in order to provide for maximum utilization of the quota. The Assistant Administrator has determined, based on the reported catch of giant Atlantic bluefin tuna of only 112.7 short tons (st) through August 14, 1988, and on the relatively low average daily catch rate of 4 st per day for the period August 1 through August 14, 1988, that the quota for the General Category will not be harvested under the prevailing catch constraints. Therefore, the catch limit of one giant Atlantic bluefin tuna per vessel per day will be increased on the effective date of this notice to two per vessel per day in order to provide for the maximum opportunity to utilize the General Category quota of 650 st set forth in § 285.22(a).

This daily catch limit will remain in effect for the remainder of 1988 or until the quota for the General Category is reached or until further adjustment is warranted.

Notice of this action has been mailed to all Atlantic bluefin tuna dealers and vessel owners holding a valid vessel permit for this fishery.

Other Matters

This action is taken under the authority of 50 CFR 285.24 and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties. (16 U.S.C. 971 *et seq.*)

Dated: August 23, 1988.

Ann D. Terbush,
Acting Director of Office Fisheries,
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 88-19448 Filed 8-25-88; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 71158-7288]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure and request for comments.

SUMMARY: NOAA announces closure of the fishery for sablefish caught with nontrawl gear, predominantly pots and longlines, off the coasts of Washington, Oregon, and California, and requests public comment on this action. This closure is authorized under the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP) and the 1988 fishing restrictions which prohibit further retention or landings of sablefish by nontrawl gear when the quota for that gear type is projected to be reached. The Director, Northwest Region, NMFS (Regional Director) has determined that the 1988 nontrawl quota of 4,800 metric tons (mt) for sablefish will be reached by August 26, 1988. This closure is intended to avoid overfishing sablefish, which has been documented as biologically stressed and which is fully utilized.

DATES: Effective from 0001 hours, Pacific Daylight Time (PDT), August 26, 1988, until 2400 hours Pacific Standard Time (PST), December 31, 1988, unless modified, superseded, or rescinded.

Comments will be accepted until September 12, 1988.

ADDRESSES: Send comments to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140; or Rodney R. McInnis at (213) 514-6202.

SUPPLEMENTARY INFORMATION: Pursuant to the regulations implementing the FMP at § 663.22(a)(3) and the fishing restrictions imposed at the beginning of 1988 (53 FR 248, 253; January 6, 1988), the 10,000 mt optimum yield (OY) for sablefish was allocated 52 percent (5,200 mt) for trawl gear and 48 percent (4,800 mt) for nontrawl gear, predominantly pot and longline fixed gears.

The regulations at § 663.21(b) and the notice at 53 FR 248 (January 6, 1988) require that, when the quota for either gear type is projected to be reached, retention or landings of sablefish by that gear type will be prohibited. If the overall OY for sablefish is reached, further retention or landings of sablefish by all gear types will be prohibited until January 1, 1989.

Based on the best available information as of August 10, 1988, and after consultation with the Washington Department of Fisheries, the Oregon Department of Fish and Wildlife, the California Department of Fish and Game, and the Pacific Fishery Management Council (Council), the Regional Director has determined that the 4,800 mt quota for sablefish caught with nontrawl gear will be reached by August 26, 1988. Accordingly, closure of

the nontrawl fishery for sablefish will occur on August 26, 1988, effective at 0001 hours (one minute after midnight). The states of Washington, Oregon, and California also will close state ocean waters at that time.

This action is automatic and nondiscretionary, and modifies previous restrictions for sablefish caught with fixed gear.

Secretarial Action

For the reasons stated above, the Secretary of Commerce announces that:

(1) From 0001 hours, Pacific Daylight Time, August 26, 1988 through 2400 hours, Pacific Standard Time, December 31, 1988, it is unlawful to retain or land sablefish caught with nontrawl gear.

(2) Nontrawl gear includes set nets, traps or pots, longlines, commercial vertical hook-and-line gear, troll gear, and trammel nets.

(3) This restriction applies to all sablefish taken with nontrawl gear between 0 and 200 nautical miles offshore of Washington, Oregon, and California. All sablefish taken with nontrawl gear that are possessed 0-200 nautical miles offshore of, or landed in Washington, Oregon, or California are presumed to have been taken and retained 0-200 nautical miles offshore of Washington, Oregon, or California unless otherwise demonstrated by the person in possession of those fish.

Classification

The determination to prohibit further retention or landings of sablefish caught with nontrawl gear is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see Addresses) during business

hours until the end of the comment period.

Because of the immediate need to prevent the nontrawl quota from being exceeded, the Secretary finds that advance notice and public comment on this closure are impracticable and not in the public interest and that good cause exists for issuing this notice without affording a prior opportunity for public comment. The public did have an opportunity to comment at the Council's July 1988 meeting, during which the Groundfish Management Team (Team) announced that the nontrawl quota for sablefish was expected to be reached before the end of the year. The public also participated in the August 10-11 meeting of the Team at which the closure date was determined. Public comments also will be accepted for 15 days after publication of this notice in the *Federal Register*. Because of the need to prevent the nontrawl quota from being exceeded, the Secretary also finds good cause to waive the 30-day delayed effectiveness provision of § 663.23(c).

This action is taken under the authority of §§ 663.21(b), 663.22(a)(3), and 663.23 and the notice at 53 FR 248 (January 6, 1988), and is in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 23, 1988.

Ann D. Terbush,

Acting Director of Office Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-19447 Filed 8-25-88; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1253 and 1260

Filing of Complaints and Allegations, Filing of Freedom of Information Act Requests; Address Changes

AGENCY: Office of the Special Counsel, Merit Systems Protection Board.

ACTION: Proposed rules.

SUMMARY: These regulations propose to amend 5 CFR 1253.1 and 1260.3 to reflect one address for filing complaints and allegations, for disclosing information described in 5 CFR Part 1252, and for filing Freedom of Information Act requests.

DATE: Written comments on these proposed rules may be submitted by any person. Comments received by September 26, 1988 will be considered.

ADDRESS: Comments should be directed to Henry Darnell Lewis, Office of Special Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005. Comments received will be available for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Darnell Lewis, (202) or FTS 653-8982.

SUPPLEMENTARY INFORMATION: In its present form, 5 CFR 1253.1(a) provides that allegations of prohibited personnel practices and other violations of civil service law, rule or regulation within the investigative authority of the Special Counsel may be filed at either the Washington, DC, Atlanta, GA, Dallas, TX, Philadelphia, PA, or San Francisco, CA, offices. The Atlanta and Philadelphia offices have been abolished, and complaints for all offices are now processed initially at the Complaints Examining Unit in Washington. The revision of § 1253.1(a) reflects this change. Similarly, § 1260.3, concerning the filing of Freedom of

Information Act requests, was keyed to § 1253.1. Since all FOIA requests are now processed at the Washington office, section 1260.3 is being revised to reflect this change. Finally, section 1253.1(b) is being amended to reflect room number and zip code changes.

Executive Order 12291, Federal Regulation

The Special Counsel has determined that these are not major rules as defined in section 1(b) of Executive Order 12291, Federal Regulation.

Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that the Office of the special Counsel is not required to prepare an initial or final regulatory analysis of these regulations pursuant to the Regulatory Flexibility Act, 5 U.S.C. 603-04, because these regulations will not have significant economic impact on a substantial number of small entities including small businesses, small organizational units, and small governmental jurisdictions.

List of Subjects

5 CFR Part 1253

Filing of complaints and allegations.

5 CFR Part 1260

Public information.

Erin McDonnell,

Acting Special Counsel.

Date: August 19, 1988.

It is proposed to amend 5 CFR Parts 1253 and 1260 as follows:

PART 1253—[AMENDED]

1. The authority citation for Part 1253 continues to read as follows:

Authority: 5 U.S.C. § 1206(k), sec. 204(g) of Reorganization Plan No. 2 of 1978.

2. Section 1253.1 is revised to read as follows:

§ 1253.1 Place of filing.

(a) Allegations of prohibited personnel practices or other violations of civil service law, rule, or regulation within the investigative authority of the Special Counsel described in Part 1251 of this chapter should be submitted to the Office of the Special Counsel, Complaints Examining Unit, 1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005.

(b) Information evidencing violations of law, rule, or regulation or

mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, described in Part 1252 of this chapter, should be submitted to the Office of the Special Counsel, 1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005.

PART 1260—[AMENDED]

3. The authority citation for Part 1260 continues to read as follows:

Authority: 5 U.S.C. 552.

4. Section 1260.3 is revised to read as follows:

§ 1260.3 Procedures for obtaining records.

Requests for records shall be made in writing. Except in unusual circumstances, a determination shall be made on a request within 10 working days. Requests should be addressed to the Office of the Special Counsel, 1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005. Requests must be clearly and prominently marked "Freedom of Information Act Request" on both the envelope and the letter.

[FR Doc. 88-19480 Filed 8-25-88; 8:45 am]

BILLING CODE 7400-02-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1098

[DA-88-118]

Milk in the Nashville, Tennessee, Marketing Area; Proposed Termination of Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed termination of rule.

SUMMARY: This notice invites written comments on a proposal to terminate provisions of the Nashville order. The proposed action would allow a cooperative association to be the responsible handler on milk of producers who are not members of the cooperative when such milk is delivered to pool plants of other handlers for the account of the cooperative association.

DATE: Comments are due on or before September 2, 1988.

ADDRESS: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 447-2089.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the termination of the following provisions of the order regulating the handling of milk in the Nashville marketing area is being considered:

1. In § 1098.9(c), the provision "of its producer members".

2. In § 1098.73(c), the provision "of its members".

All persons who want to send written data, views, or arguments about the proposed termination should send two copies of them to the Dairy Division, Agricultural Marketing Service, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250, not later than 7 days after the publication of this notice in the *Federal Register*. It is necessary that the time for responding be limited in order that the termination procedure can be completed at the earliest possible date to adapt the order to a recent change in milk handling practices in the market.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed termination would permit a cooperative association to be the handler on milk of producers who are not members of the cooperative association when such milk is delivered to pool plants of other handlers for the account of the cooperative association.

Dairymen, Inc., requested that the proposed termination of provisions of the Nashville order be made effective in August 1988. The cooperative indicated that termination of the provisions would:

(1) Facilitate the pooling of producer milk which will be needed to fulfill the fluid needs of pool distributing plants;

(2) Eliminate unnecessary reporting costs otherwise borne by the receiving pool distributing plant on such milk delivered for the account of Dairymen, Inc.;

(3) Allow the commingling of member and nonmember milk on the same farm-to-market routes and thereby lead to greater farm-to-market delivery efficiency; and

(4) Result in similar application under the Nashville order as applies under most other Federal milk marketing orders.

Therefore, comments are sought to determine whether the aforementioned provisions should be terminated.

List of Subjects in 7 CFR Part 1098

Milk marketing order, Milk, Dairy products.

The authority citation for CFR Part 1098 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Signed at Washington, DC, on: August 23, 1988.

J. Patrick Boyle,
Administrator.

[FR Doc. 88-19483 Filed 8-25-88; 8:45 am]

BILLING CODE 3410-02-M

Packers and Stockyards Administration

9 CFR Parts 201 and 203

Poultry Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On July 11, 1988, a notice of proposed rulemaking was published in the *Federal Register* (53 FR 26082) advising that the Packers and Stockyards Administration was proposing to amend certain existing regulations relative to poultry to conform to the Poultry Producers Financial Protection Act of 1987 (Pub. L. 100-173) amending the Packers and Stockyards Act.

That notice provided that comments regarding the proposal should be filed

with the Administration on or before September 9, 1988.

Pursuant to requests from interested parties for additional time to prepare their comments, the time for filing comments concerning the proposed rulemaking is hereby extended 60 days.

DATE: The time for filing comments is hereby extended to and including November 8, 1988.

ADDRESS: Written comments may be mailed to: Packers and Stockyards Administration, Room 3039-South Building, U.S. Department of Agriculture, Washington, DC 20250. Comments received may be inspected during normal business hours in the office of the Administrator.

FOR FURTHER INFORMATION CONTACT: Kenneth Stricklin, Director, Packer and Poultry Division, Packers and Stockyards Administration, Room 3422-South Building, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-7363.

Done at Washington, DC this 23rd day of August, 1988.

B.H. (Bill) Jones,
Administrator, Packers and Stockyards Administration.

[FR Doc. 88-19482 Filed 8-25-88; 8:45 am]

BILLING CODE 3410-KD-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-50]

Charles Young; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The Commission is publishing for public comment this notice of receipt of a petition for rulemaking dated April 18, 1988, which was filed with the Commission by Charles Young. The petition was docketed by the Commission on July 3, 1988, and has been assigned Docket No. PRM-50-50. The petitioner requests the Commission to amend its regulations to rescind the provision that authorizes nuclear power plant operators to deviate from technical specifications during an emergency.

DATE: Submit comments by October 25, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. For a copy of the petition, write: Rules Review and Editorial Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Juanita Beeson, Chief, Rules Review and Editorial Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, Washington, DC 20555, Telephone (301) 492-8926.

SUPPLEMENTARY INFORMATION:

Background

I. Petitioner's Interest

Mr. Charles Young, the petitioner, is requesting the NRC to rescind paragraphs (x) and (y) of § 50.54 of 10 CFR. The regulation, issued on June 1, 1983 (48 FR 13966), authorizes a senior operator in a nuclear power plant to deviate from technical specifications in an emergency. The petitioner opposes the regulation because he believes that nuclear power plants should be operated in accordance with the operating license and appropriate technical specifications and that requiring a senior operator to follow the technical specifications during an emergency enhances plant safety.

The petitioner notes that technical specifications (a) prescribe settings for safety systems at nuclear power plants, such as the emergency core cooling system, so that action of a safety system will correct an abnormal condition before fuel design limits are exceeded; and (b) require an automatic safety system to operate as long as the abnormal condition which threatens the nuclear fuel exists in the plant.

II. Grounds for the Petition

The petitioner cites several cases of hazardous practices where, the petitioner asserts, the licensee has violated Federal regulations at the Dresden and Quad Cities Nuclear Power Plants, owned by Commonwealth Edison Company, Chicago, Illinois. The petitioner believes that these practices could lead to an accident similar to the one at Three Mile Island, Unit 2. The petitioner claims that three official investigations have confirmed that damage to the nuclear reactor at Three Mile Island, Unit 2, could have been

prevented if plant operators had followed the requirements of the plant's operating license and technical specifications. According to the petitioner, the three investigations and their applicable findings are as follows:

(1) The President's Commission found that reactor core damage would have been prevented if the high pressure injection system had not been throttled. (Kemeny Commission Finding #4, pg 28)

(2) Calculations by the Special Inquiry Group show that use of the high pressure injection system would have prevented overheating of the fuel and release of radioactive material. (Rogovin, Vol II, Part 2, pgh D.2.b, pgs 558, 561)

(3) The Special Investigation by the Senate Subcommittee on Nuclear Regulation found the cause of severe damage to the reactor core was the inappropriate overriding of automatic safety equipment by plant operators and managers. (Hart Report Chapter 2, Findings and Conclusions, #2, pg 9)

The petitioner believes the NRC should rescind the existing provisions in paragraphs (x) and (y) of § 50.54 to adequately protect the public health and safety from the hazards of nuclear radiation when nuclear energy is producing power.

III. Petitioner's Proposal

PART 50—[AMENDED]

The petitioner proposes that 10 CFR 50.54 (x) and (y) be amended to read as follows:

§ 50.54 Conditions of Licenses.

(x) The Atomic Energy Act of 1954 stipulates that a licensee shall operate a commercial nuclear power plant in accordance with technical specifications. Technical specifications define the specific characteristics of a nuclear power plant which ensure that fuel design limits are not exceeded during normal operations and emergencies. By review of a nuclear power plant's safety analysis and technical specifications, the Nuclear Regulatory Commission determines that utilization of special nuclear material will be in accord with the common defense and security and will provide protection to the health and safety of the public. To prevent fuel damage and protect public health and safety from the hazards of nuclear radiation, a licensee shall follow technical specifications when operating a commercial nuclear power plant.

(y) The Chief Executive Officer of a public utility or other organization licensed to operate a commercial

nuclear power plant shall establish policy for operating the plant. The Chief Executive Officer shall direct that the nuclear power plant be operated in accordance with the Operating License and Technical Specifications.

Dated at Rockville, MD, this 22nd day of August of 1988.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 88-19428 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 101

[Docket No. RM88-22-000]

Accounting for Phase-in Plans; Extension of Time

Issued: August 19, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry; extension of time.

SUMMARY: On June 21, 1988, the Commission issued a notice of inquiry into the effects of recent and proposed actions of the Financial Accounting Standards Board (FASB) that would change the way regulated public utilities account for certain transactions in financial statements that they issue to the public. (53 FR 24096, June 27, 1988). On August 19, 1988, an extension of time was granted at the request of various interested parties for the filing of comments on the notice of inquiry.

DATE: The time for filing comments is extended from August 22, 1988 to August 31, 1988.

ADDRESS: Office of the Secretary, 825 N. Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Acting Secretary, (202) 357-8400.

Extension of Time

On August 19, 1988, The American Institute of Certified Public Accountants (AICPA) filed a motion for an extension of time to file comments in response to the Commission's Notice of Inquiry issued June 21, 1988, in the above-docketed proceeding. In its motion, the AICPA states that while the AICPA's Public Utility Committee is in the process of preparing comments in

response to the Commission's notice, the Committee requires additional time to provide input on this matter and to meet the Commission's deadline for submitting comments.

Upon consideration, notice is hereby given that an extension of time for filing comments is granted to and including August 31, 1988.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19378 Filed 8-25-88; 8:45 am]

BILLING CODE 5717-01-M

DEPARTMENT OF STATE

Bureau of Administration and Information Management

22 CFR Part 171

[SD-217]

Predisclosure Notification Procedures for Confidential Commercial Information

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The proposed rule implements Executive Order 12600 which requires Federal agencies to establish predisclosure notification procedures applicable to Freedom of Information Act requests for the release of records containing commercial or financial information that is privileged or confidential if the disclosure of these records can reasonably be expected to result in substantial competitive harm to the person who submitted the information. The procedure provides for notice to the submitter and an opportunity for the submitter to object to the disclosure of the records.

DATE: Comments must be received on or before September 26, 1988.

ADDRESS: Written comments should be submitted to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Malin, Office of the Legal Adviser, (202) 647-3022.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to issue proposed implementing regulations in conformance with the requirements of Executive Order 12600 of June 23, 1987, which was published in the *Federal Register* on June 25, 1987, 52 FR 23781. Section 7 of Executive Order 12600 requires that the designation and notification procedures required by this Executive Order shall be established by

regulation, after notice and public comment.

The Department of State has determined that this document is not a major rule under Executive Order 12291 of February 17, 1981 since it will not have a significant economic effect on a substantial number of small entities. Any economic impact on small entities resulting from this proposed rule would be attributable to Executive Order 12600, not to these regulations.

This proposed rule does not contain information collection requirements which require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The publication of this notice is made in accordance with the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*

List of Subjects in 22 CFR Part 171

Availability of information and records to the public.

For the reasons set forth in the preamble, the Department of State proposes to amend Title 22, Chapter I, Subchapter R, Part 171, as follows:

PART 171—[AMENDED]

1. The authority citation for 22 CFR Part 171 is revised to read as follows:

Authority: The Freedom of Information Act, 5 U.S.C. 552; the Privacy Act, 5 U.S.C. 552a; the Administrative Procedure Act, 5 U.S.C. 551; the Ethics in Government Act, Pub. L. 95-521; Executive Order 12356, 47 FR 14874; and E.O. 12600, 52 FR 23781.

2. Section 171.16 is added to Subpart B to read as follows:

§ 171.16 Predisclosure notification procedures for confidential commercial information.

(a) *In general.* Confidential commercial information provided to the Department shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this section. For purposes of this section, the following definitions apply:

(1) "Confidential Commercial Information" means records provided to the Department by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) "Submitter" means any person or entity who provides confidential commercial information to the Department. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

(b) *Notice to submitters.* Whenever the Department receives a Freedom of Information Act request for confidential commercial information and, pursuant to paragraph (c) of this section, the submitter is entitled to receive notice of that request, the Department shall promptly notify the submitter that it has received the request, unless such notice is excused under paragraph (g) of this section. The notice shall be in writing and either describe the exact nature of the confidential commercial information requested or provide a copy of the records or portion of the records containing the confidential commercial information. The notice shall be addressed to the submitter and mailed, postage prepaid, first class mail, to the submitter's last known address. Where notice is required to be given to a voluminous number of submitters, in lieu of mailing the notice may be posted or published in a manner and place reasonably calculated to provide notice to the submitters.

(c) *When notice is required.* (1) For confidential commercial information submitted prior to January 1, 1988, the Department shall provide a submitter with notice of a receipt of a Freedom of Information Act request whenever:

(i) The records are less than ten (10) years old and the information has been designated by the submitter as confidential commercial information; or

(ii) The Department has reason to believe that the disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential commercial information submitted to the Department on or after January 1, 1988, the Department shall provide a submitter with notice of receipt of a Freedom of Information Act request whenever:

(1) The submitter has designated the information as confidential commercial information pursuant to the requirements of this section; or

(ii) The Department has reason to believe that the disclosure of the information could reasonably be expected to cause substantial competitive harm.

(3) Notice of a request for confidential commercial information falling within paragraph (c)(2)(i) of this section shall be required for a period of not more than ten years after the date of submission unless the submitter provides reasonable justification for a designation period of greater duration.

(4) A submitter shall use good-faith efforts to designate by appropriate markings, either at the time a record is

submitted to the Department or within a reasonable period of time thereafter, those portions of the record which it deems to contain confidential commercial information. The designation shall be accompanied by a certification made by the submitter, its agent or designee, that to the best of the submitter's knowledge, information and belief, the record does, in fact, contain confidential commercial information that theretofore has not been disclosed to the public.

(5) Whenever the Department provides notice to the submitter in accordance with paragraph (c) of this section, the Department shall at the same time provide written notice to the requester that it is affording the submitter a reasonable period of time within which to object to the disclosure, and that, therefore, the Department may be required to enlarge the time within which it otherwise would respond to the request.

(d) *Opportunity to object to disclosure.* To the extent permitted by law, the notice required by paragraph (c) of this section shall afford a submitter a reasonable period of time within which the submitter or its authorized representative may provide the Department with a written objection to the disclosure of the confidential commercial information. The objection shall set forth in detail all grounds for withholding information and demonstrate why the submitter believes that the records contain confidential commercial information. Except where a certification already had been made in conformance with the requirements of paragraph (c)(4) of this section, the objection shall be accompanied by certification made by the submitter, its agent or designee, that to the best of the submitter's knowledge, information and belief, the record does, in fact, contain confidential commercial information that theretofore has not been disclosed to the public. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under the Freedom of Information Act.

(e) *Notice of intent to disclose.* (1) The Department shall give careful consideration to objections made by a submitter pursuant to paragraph (d) of this section prior to making any administrative determination of the issue. Whenever the Department decides to disclose information over the objection of a submitter, the Department shall forward to the submitter a written notice which shall include:

(1) A statement of the reasons for which the submitter's disclosure objections were not sustained;

(ii) A description of the information to be disclosed; and
(iii) A specified disclosure date.

(2) To the extent permitted by law, the notice required to be given by paragraph (e)(1) of this section shall be provided to the submitter a reasonable number of days prior to the specified disclosure date.

(3) Whenever the Department provides notice to the submitter in accordance with paragraphs (e)(1) and (2) of this section, the Department shall at the same time notify the requester that such notice has been given and the proposed date for disclosure.

(f) *Notice of lawsuit.* Whenever a requester brings suit seeking to compel the disclosure of information for which notice is required pursuant to paragraph (c) of this section, the Department shall promptly notify the submitter that such suit has been filed.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The Department determines that the information should not be disclosed;

(2) The information has been published or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552);

(4) Disclosure of the information is required by a Department rule that:

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm;

(5) The information requested was not designated by the submitter as exempt from disclosure in accordance with paragraph (c) of this section, when the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the Department has substantial reason to believe that disclosure of the information would result in competitive harm; or

(6) The designation made by the submitter in accordance with paragraph (c) of this section appears obviously frivolous; except that, in such case, the Department must provide the submitter with written notice of any final administrative disclosure determination

within a reasonable number of days prior to the specified disclosure date.

Richard C. Faulk,

Acting Assistant Secretary, Bureau of Administration and Information Management.

August 15, 1988.

[FR Doc. 88-19369 Filed 8-25-88; 8:45 am]

BILLING CODE 4710-24-M

VETERANS ADMINISTRATION

38 CFR Part 3

Determination of Service Connection for Impaired Hearing

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The Veterans Administration (VA) proposed to amend its adjudication regulations to define "hearing within normal limits" for rating purposes. This change is necessary to provide regulatory limits governing the establishment of service connection for impaired hearing. The intended effect will be to establish an agency-wide rule for making determinations of service connection for impaired hearing.

DATES: Comments must be received on or before September 26, 1988. Comments will be available for public inspection until October 7, 1988. This rule is proposed to be effective 30 days after the date of final publication.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments will be available for public inspection only in the Veterans Services Unit, room 132, at the above address and only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 7, 1988.

FOR FURTHER INFORMATION CONTACT: Robert W. White, Chief, Regulations Staff (211B), Compensation and Pension Service, Department of Veterans Benefits, (202) 233-3005.

SUPPLEMENTARY INFORMATION: The Chief Medical Director suggested that a definition of hearing within normal limits be established consistent with the revision of 38 CFR Part 4 on the evaluation of hearing loss which was effective December 18, 1987. The Chief Benefits Director concurred. We propose to add a section to 38 CFR Part 3 to define hearing within normal limits for

rating purposes and to preclude service connection when hearing is within normal limits. Hearing thresholds for frequencies other than those included in the proposed rule shall not be for consideration when making a determination as to service connection.

The Administrator hereby certifies that this proposed regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reason for this certification is that this regulation would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this proposed regulation is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Administrator has determined that this proposed regulation is non-major for the following reasons:

(1) It will not have an annual effect on the economy of \$100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: July 26, 1988.

Thomas K. Turnage,
Administrator.

PART 3—[AMENDED]

In 38 CFR Part 3, *Adjudication*, § 3.385 is proposed to be added to read as follows:

§ 3.385 Determination of service connection for impaired hearing.

Service connection for impaired hearing shall not be established when hearing is within normal limits. Hearing shall be considered within normal limits when all thresholds for the frequencies of 500, 1000, 2000, 3000 and 4000 Hertz are less than 40 decibels; the thresholds of at least three of these frequencies are 25 decibels or less; and speech recognition scores using the Maryland CNC Test are 94 percent or better.

Authority: 38 U.S.C. 210(c)(1).

[FR Doc. 88-19361 Filed 8-25-88 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3434-6]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate the LA-5 dredged material disposal site located offshore of San Diego, California for the disposal of dredged material removed from the port of San Diego and other nearby harbors or dredging sites. At the same time EPA will cancel the interim designation of the LA-4 dredged material disposal site off San Diego. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of dredged material, and to cancel the LA-4 site which is no longer needed. The proposed LA-5 site designation is for an indefinite period of time, and the site will be monitored to ensure that unacceptable adverse environmental impacts do not occur.

DATE: Comments on the proposed action must be received on or before September 26, 1988.

ADDRESSES: Send comments to: Dr. Wendy Wiltse, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street (W-7-1), San Francisco, CA 94105. The file supporting this proposed designation is available for public inspection at the following locations:

1. EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street SW., Washington, DC.
2. EPA Region IX, Library, 215 Fremont Street, San Francisco, CA.
3. Army Corps of Engineers, Los Angeles District, Library, 300 North Los Angeles Street, Los Angeles, CA.

FOR FURTHER INFORMATION CONTACT: Dr. Wendy Wiltse at the above address, or call (415) 974-9812.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping

may be permitted. On October 1, 1986, the Administrator delegated the authority to designate ocean dredged material disposal sites (ODMDS) to the Regional Administrator of the Region in which the site is located. The LA-5 site designation and the LA-4 site cancellation actions are being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter 1, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2462 *et seq.*) and was last extended on August 24, 1984 (49 FR 33647 *et seq.*). That list established the LA-4 and LA-5 sites as interim sites. Interested persons may participate in this proposed rulemaking by submitting written comments within 30 days of the date of this publication to the address given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (NEPA) requires that Federal agencies prepare an environmental impact statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to designation of ocean disposal sites, EPA has voluntarily committed to prepare EISs for these actions (39 FR 37419, October 21, 1974).

The EPA prepared a Draft EIS entitled "San Diego (LA-5) Ocean Dredged Material Disposal Site Designation." A notice of availability for public review and comment on the DEIS was published in the Federal Register (52 FR 37832, October 9, 1987). Anyone desiring a copy of the DEIS may obtain one from the EPA Region IX office address given above. During the public comment period on this DEIS, which closed on November 23, 1987, EPA received 6 comment letters.

The following substantive comments were discussed in the 6 comment letters:

1. Three commenters requested that the site management program be included in the FEIS. The section on site monitoring was expanded to cover the guidance provided in the Ocean Dumping Regulations (49 CFR 228.13). Site management programs will be defined at the EPA and Corps national level as agreed to in the EPA/Corps

National Memorandum of Understanding on ocean dumping, signed on July 27, 1987. EPA Region 9 and the Corps' Los Angeles District will prepare a detailed site management program and circulate the proposal for public review, before implementation.

2. Two commentors questioned the level of testing required and the possible use of suitable dredged material for beach replenishment. During the Corps' Ocean Dumping Permit process under section 103 of the Act, EPA and the Corps review sediment test data and results of bioassays to determine whether the proposed dredged material is suitable for ocean disposal. Only dredged material which passes these tests is considered suitable for ocean disposal. Sediments that show significant toxicity, bioaccumulation of contaminants or abnormally high concentrations of contaminants are prohibited from ocean disposal. Alternative disposal methods must be used if the project is to proceed.

Each permit application is reviewed by EPA and other agencies to determine whether this material is suitable for ocean disposal. If the material is compatible with a specific beach, then the material may be used for beach replenishment projects in cooperation with the California Coastal Commission. These considerations are made on a case-by-case basis and are not part of this site designation action.

3. EPA was requested to evaluate the cumulative impacts of designating the LA-5 site. The impact tables contained in Chapter 4 Environmental Consequences were revised to reflect further analysis of cumulative impacts in that chapter. Special attention was paid to the possible extension of the Point Loma municipal waste outfall. EPA participates in the planning group involved with the Point Loma project. It is EPA's goal to ensure that the impacts from the outfall and the LA-5 site are spatially separate so that any impacts detected can be traced to the likely source. Endangered Species Act and National Historic Preservation Act coordination have been carried out as documented in Chapter 5 of the FEIS.

C. Alternative Analysis

The action discussed in the FEIS is the designation of an ODMDS for continuing use. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The approval of specific ocean dredged material disposal permits is determined on a case-by-case basis as part of the permitting process for ocean dredged material disposal under section 103 of the Act.

The FEIS discusses the need for the site selection action and examines a range of ocean disposal sites and other alternatives to the proposed action. Land-based disposal alternatives were examined in the DEIS and found to be unacceptable for disposal of large amounts of dredged material. These alternatives will be evaluated by the Corps' Los Angeles District on a case-by-case basis during the permitting process.

The following alternatives were evaluated in this FEIS:

1. No Action

Selection of this alternative would prevent final designation of the LA-5 site and may prohibit further use of the ODMDS as of December 31, 1988 as required by the 1980 EPA and National Wildlife Consent Agreement (National Wildlife Federation v. Costle, 14 ERC 1680 *et seq.*, 1980). No action on the site designation could force the Corps to designate their own site under section 103 of the Act, or modify or cancel dredging projects that rely on ocean disposal of suitable material.

2. Delayed Action Alternative

Delaying the designation of the LA-5 site would be a violation of the 1980 Consent Agreement between EPA and the National Wildlife Federation. The need for an ODMDS is a continuing concern and requires conclusion of the site designation process in the most expeditious manner possible.

3. Upland Disposal (including Landfilling in Port Areas and Disposal at Sanitary Landfills)

These alternatives are considered on a case-by-case basis when the Corps' ocean dumping permit applications are reviewed. Beach replenishment is preferred if the dredged material is suitable. Disposal of large amounts of dredged material at upland sites is not a feasible long-term solution for management of dredged material disposal because the capacity of these sites is limited in the San Diego area.

4. LA-5 ODMDS (Preferred Alternative)

This site was selected as the preferred alternative because it has been used historically since the 1970's. It is located 5.4 nautical miles southwest of Point Loma on the outer continental shelf in 71 to 104 fathoms (130-190 meters) of water. The environmental impacts at the site have proven to be acceptable. The anticipated future use of the site will not cause significant environmental impacts and conflicts with other uses of the ocean are minimal.

5. LA-4 ODMDS

This site is located in 45 fathoms (82 meters) of water, 4.9 nautical miles south of Point Loma. Synergistic effects from the Point Loma outfall; proximity to fishing and boating areas; and effects on kelp beds, benthic resources, cultural resources, navigation and shoreline process were evaluated in the FEIS. EPA and the Corps determined that the environmental impacts of designating the LA-4 site were not acceptable because the site was too close to the major resources listed above.

6. Deep Water ODMDS

The deep water site is located 12-16 nautical miles off Point Loma in 600 fathoms (1092 meter) of water. This site has not been used previously as a disposal site. The major reason for not selecting this deep site is that disposal of dredged material would cause new impacts to an undisturbed habitat. The LA-5 site, in contrast, has been used for disposal of dredged material since the 1970's and impacts at that site have been acceptable. Other reasons for not selecting the deep site include: the size of the area affected by disposal, distance from shore, and the feasibility of monitoring and surveillance at the site. Disposal at this deep site (600 fm) would cause greater sediment dispersal in the water column with more sediment remaining in suspension at neutral buoyancy than would occur at LA-5 (100 fm). A larger area of the bottom would be impacted by deposition of dredged material at the deep site. It would be difficult to monitor the deep site because of the great depth and the overall logistics of taking samples in the deep sea.

The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation and is based on a disposal site environmental study. The study and final designation process are being conducted in accordance with the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

D. Proposed Site Designation

LA-5, the proposed site, is located approximately 5.4 nautical miles southwest of Point Loma and occupies an area of about 2.39 square nautical miles. Water depths within the area are between 80 and 110 fathoms (145 and 200 meters). The center coordinates of the site are as follows: 32°36'50" North × 117°20'40" West with a radius of 0.76 nautical miles. If at any time disposal operations at the site cause unacceptable adverse environmental

impacts, further use of the site will be restricted or terminated.

E. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected to minimize interference with other marine activities, to keep any temporary perturbations from causing impacts outside the disposal site, and to permit effective monitoring which is designed to detect any adverse impacts at an early stage. Where feasible, locations off the continental shelf and historical sites are chosen. If at any time disposal operations at a designated site cause unacceptable adverse impacts, the use of that site will be terminated as soon as a suitable alternative disposal site can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6(a) lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The proposed site, as discussed below under the eleven specific factors, is acceptable under the five general criteria. Historical use at the existing site has not resulted in substantially adverse effects to living resources of the ocean or to other uses of the marine environment.

The characteristics of the proposed site are reviewed below in terms of the 11 specific site selection factors.

1. Geographical Position, Depth of Water, Bottom Topography and Distance From Coast (40 CFR 228.6(a)(1))

The LA-5 site is located on the outer continental shelf approximately 5.4 nautical miles (8.6 kilometers) southwest of Point Loma at depths ranging from 80 to 110 fathoms (145-200 meters). The bottom, consisting of fine sediment, slopes to the northwest.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

The LA-5 site provides feeding and breeding areas for common resident benthic species. Designation of the site will not affect any geographically limited habitats, breeding sites or critical areas that are essential to commercially important species or rare or endangered species.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

The LA-5 site is 5.4 nautical miles from the nearest shoreline. EPA and the

Corps have determined that aesthetic impacts of plumes, transport of dredged material to any shoreline and alteration of any habitat of special biological significance or marine sanctuary will not occur if this site is designated.

The LA-5 site is approximately 5 nautical miles south of the Point Loma Outfall and 14 nautical miles northwest of the United States/Mexico border. Any resuspended sediments from the LA-5 site are expected to move northwest along the 100 fathom depth contour. There should be minimal effect from LA-5 on the Proposed Point Loma Outfall and the proposed South Bay sewage treatment plant and associated ocean discharge for San Diego and Tijuana sewage.

4. Types and Quantities of Wastes Proposed to be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste if any (40 CFR 228.6(a)(4))

An annual average of approximately 370,000 cubic yards of predominantly silts and clays dredged from San Diego Harbor and other nearby harbor areas are expected to be disposed at the ODMDS once it is designated. The dredged material proposed for disposal at the site must pass stringent sediment chemistry and bioassay tests before a permit can be issued by the Corps. Disposal will be from split hull barges towed by tugboat to the site. No dumping of toxic materials or other kinds of industrial or municipal wastes will be permitted at the site.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

The U.S. Coast Guard (USCG) will conduct surveillance of disposal activities at the site. EPA and the Corps will assist the USCG within the limits of their jurisdiction.

Physical and biological sampling will be key factors in the site monitoring program. The monitoring program will be established to answer several questions including: the area of impact and effects on grain size, sediment chemistry and benthic infauna; disposal model verification and sediment transport; potential for bioaccumulation of contaminants in local species; and potential impacts on commercial and recreational fisheries. If significantly adverse impacts are detected at the site, the site management plan will be flexible enough to allow for appropriate management actions to minimize any adverse environmental impacts.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, if any (40 CFR 228.6(a)(6))

Bottom water currents in the vicinity of LA-5 are variable but move predominantly to the northwest along bathymetric contour lines. Vertical mixing and surface currents will disperse fine material disposed at the LA-5 site to the south. The main direction of sediment transport is toward the northwest and dredged material disposed at the LA-5 site may be transported in that direction by the net current movement.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

LA-5 has been used as an interim site for disposal of dredged material since the late 1970's. Impacts of disposal activities at LA-5 include: a greater range of grain size at the site; elevated concentrations of trace metals and chlorinated hydrocarbons; lower species diversity and abundance of demersal fish; and lower diversity of benthic infauna and epifauna compared to the reference site. These effects are considered to be acceptable localized impacts within the disposal site. Impacts on the water column associated with disposal events are minimal and temporary.

The potential for cumulative effects with a possible South Bay Outfall and the proposed Point Loma Outfall extension is uncertain at this time because plans for these outfalls are not finalized. Cumulative effects will be assessed in future monitoring of impacts in the vicinity of LA-5. EPA and the state have initiated enforcement action against the City of San Diego. In its involvement with the progression towards secondary treatment EPA is working with the City of San Diego in their facilities planning for secondary treatment in the metropolitan area. A South Bay sewage treatment plant and ocean discharge may be a component of future facilities for both San Diego and Tijuana. The feasibility and location of these facilities, including an ocean outfall, has yet to be determined. If a South Bay plant and the ocean outfall are proposed, EPA will work with the city to ensure that the outfall is constructed so that impacts of the outfall and the LA-5 ODMDS can be spatially separated.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

Interference with shipping is minimal because of the low volume of material to be discharged at LA-5 (370,000 cubic yards per year) and because the disposal site is located outside of the U.S. Coast Guard Precautionary Area and major shipping lanes. Impacts on commercial fishing are expected to be minor and temporary since most of the catch in the vicinity of LA-5 consists of pelagic species, and the impacts of dredged material disposal on the upper water column are intermittent and short-term.

The most important impacts of dredged material disposal are localized changes in the bottom community. The benthic fish community at the LA-5 site is somewhat depauperate compared to the reference site. This effect is localized and not expected to affect the major sport and commercial bottom fishing activities in much shallower water. Sportfishing, pleasure boating, and dredged material disposal are presently coexisting at LA-5 and no changes are expected. Oil and gas development has not occurred off the San Diego coast and will not be affected by designation of the disposal site.

9. The Existing Water Quality and Ecology of the Site as Determined By Available Data or By Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))

Water quality at LA-5 is indistinguishable from the water quality of nearby areas. Sediment quality differs from a reference site in grain size distribution, and levels of trace metals and chlorinated hydrocarbons. Species diversity of benthic epifauna, infauna, and demersal fish was lower at the LA-5 site than at the reference site. Many of the same species exist at both sites. Further analysis of the benthic community will be a major part of the site management program.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))

Opportunistic benthic species characteristic of disturbed conditions are expected to be present and abundant at any ODMDS in response to physical deposition of sediments. Opportunistic polychaetes, such as *Capitella*, may colonize the disposal site, but these worms will become food items for bottom-feeding fish and are not directly harmful to other species. No

recruitment of species capable of harming human health or the marine ecosystem are expected.

11. Existence at or in Close Proximity to the Site of Any Significant Natural or Cultural Feature of Historical Importance (40 CFR 228.6(a)(11))

The California State Historic Preservation Officer has determined that there are no known shipwrecks nor any known aboriginal artifacts in the vicinity of the LA-5 site.

F. Proposed Action

EPA and the Corps have concluded that the proposed LA-5 site should be designated for continued use and that the LA-4 site should be canceled. The proposed LA-5 site is compatible with the general criteria and specific factors used for site evaluation. Designation of the LA-5 site as an EPA-approved Ocean Dumping Site is being published as proposed rulemaking. Management of this site will be delegated to the Regional Administrator of EPA Region IX.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual ocean disposal of materials. Before ocean dumping of dredged material at the site may commence, the Corps must evaluate a permit application according to EPA's ocean dumping criteria. The Corps or EPA has the right to disapprove the actual dumping, if it is determined that environmental concerns under the Act have not been met.

G. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork

Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: August 18, 1988.

Daniel W. McGovern,
Regional Administrator for Region IX.

In consideration of the foregoing, Subchapter H of Chapter 1 of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing and reserving paragraph (a)(1)(i)(F) San Diego, CA (2 sites) and removing from the Dredged Material Site Listing "San Diego-Point Loma" and "San Diego 100 fathom" interim sites from paragraph (a)(3); and by adding paragraph (b)(69) to read as follows:

§ 228.12 Delegation of Management Authority for Ocean Dumping Sites.

(b) * * *

(69) San Diego (LA-5) Ocean Dredged Material Disposal Site-Region IX.
Location: 32°36'50" North ×
117°20'40" West (0.76 nautical mile radius)

Size: 2.39 square nautical miles.
Depth: 80 to 110 fathoms (145 to 200 meters).

Primary Use: Ocean dredged material disposal.

Period of Use: Continuing use.

Restrictions: Disposal shall be limited to dredged material.

[FR Doc. 88-19411 Filed 8-25-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3480

[AA-660-08-4121-02]

Coal Exploration and Mining Operations Rules; Diligence Requirements

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This Notice sets forth a proposed rulemaking for the Department of the Interior's administration of section 7(a) and section 39 of the Mineral Leasing Act (MLA) (30 U.S.C.

207(a) and 30 U.S.C. 209 (1982)). The proposed rulemaking would amend the existing regulations at 43 CFR 3483.3 to provide that, if a Federal coal lease has an approved or directed suspension of operations and production under section 39 of MLA, the 10-year production period set in section 7(a) of MLA would be extended by an amount of time equal to the duration of the suspension of operations and production.

DATE: Comments should be submitted by September 26, 1988. Comments received or postmarked after this date may not be considered in the decisionmaking process on the issuance of a final rulemaking.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, Room 5555, Main Interior Building, 1800 C Street, NW., Washington, DC 20240.

Comments will be available for public review in Room 5555 at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Paul W. Politzer, (202) 343-7722 or Allen B. Agnew, (202) 343-7753.

SUPPLEMENTARY INFORMATION: Section 7(a) of MLA, as amended by the Federal Coal Leasing Amendments Act of 1976 (FCLAA), provides that any Federal coal lease that is not producing in commercial quantities at the end of 10 years, after being made subject to section 7 of MLA as amended by FCLAA, shall be terminated. Since enactment of FCLAA, the Department of the Interior has defined the diligent development requirement of section 7(b) of MLA as meeting the 10-year production requirement. Section 39 of MLA provides that the Secretary of the Interior, in the interest of conservation, may direct or assent to the suspension of operations and production under any lease granted pursuant to MLA and the term of each such lease shall be extended by adding to it any such suspension period.

On July 19, 1979, the Department of the Interior published the final coal management rulemaking (44 FR 42584), which included regulations governing suspensions of operations and production under section 39 of the MLA. The preamble discussed the section 39 regulations as follows (44 FR 42584, 42607 (July 19, 1979)):

The relationship between the Secretary's authority to suspend lease operations and lease obligations in § 3473.4, and the diligence regulations (§§ 3475.4, 3475.5), merits some discussion. In 1976, when the Secretary defined diligent development (subsection 3400.0-5(m)) to mean production

in 10 years from lease issuance or by June 1, 1986, depending on when the lease was issued, he did not wholly abrogate the Secretary's authority to suspend a lease and lease obligations wholly under section 39 of the Mineral Leasing Act (30 U.S.C. 209), in the interest of conservation of the natural resources. For a lease on which the lessee applies for and receives such a suspension, the period of the lease does not run, lease rental and royalty obligations do not accrue, and likewise the time for achieving diligent development does not advance for the period of the suspension. In light of the Secretary's lease suspension authority, the regulatory definition means to the Department the "tenth lease year" from the date of lease issuance * * *.

On July 30, 1982, the Department of the Interior published the final Coal Exploration and Mining Operations Rules (30 CFR Part 211, 47 FR 33179, redesignated at 43 CFR Part 3480, 48 FR 41589-41594, September 16, 1983). At 43 CFR 3483.3, those rules address Section 39 of MLA suspensions of operations and production, among others. Specifically 43 CFR 3483.3(b)(1) states, in relevant part: "Any such suspension [of operations and production] of a Federal coal lease * * * approved by the authorized officer also suspends all other terms and conditions of the Federal coal lease * * *, except the diligent development period, for the entire period of such a suspension." The preamble to this rulemaking did not discuss the change in regulations from the 1979 rulemaking.

On August 5, 1987, the Secretary of the Interior received a petition filed by Consolidation Coal Company under 43 CFR Part 14 and 5 U.S.C. 553(e) to remove the exception for the diligent development period from 43 CFR 3453.3(b)(1) and to return to the 1979 regulations. The Assistant Secretary, Land and Minerals Management, then asked the Solicitor for an opinion as to what the law allowed. On July 14, 1988, the Solicitor signed Solicitor's Opinion M-36958, 95 I.D. ____ (1988). The Solicitor concluded that amending the regulation at 43 CFR 3483.3(b)(1) to provide that a suspension of operations and production in the interest of conservation under section 39 of MLA suspends the 10-year production requirement and extends this 10-year period for the duration of the suspension is fully supported by the law.

In summary, the Solicitor's analysis stated that all operations and production are suspended during a suspension of operations and production under section 39 of MLA, and a lessee has neither the right nor the obligation to produce. The Solicitor then finds that the requirement in section 7(a) of MLA that a Federal coal lease terminates

unless coal is being produced in commercial quantities at the end of 10 years meets the definition of lease term normally applied to MLA leases. The Solicitor concludes that when a coal lease is suspended under section 39, the section 7(a) production requirement is suspended and, since section 39 of MLA extends the term of a suspended lease, the 10-year diligent development period must be extended for the duration of a section 39 of MLA suspension of operations and production. After an extensive analysis of the legislative history of FCLAA, the Solicitor found nothing to indicate that Congress intended otherwise. Accordingly, the proposed rulemaking would provide for extension of the regulatory 10-year diligent development period for a period of time equal to an approved suspension of operations and production under section 39 of MLA.

The principal author of this proposed rulemaking is Allen B. Agnew, Division of Solid Mineral Operations, Bureau of Land Management, assisted by staff of the Division of Legislation and Regulatory Management, Bureau of Land Management, and the Office of the Solicitor, Department of the Interior.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). The economic impact of this rulemaking is not significant and its impact will fall equally on all affected entities, whether large or small.

This proposed rulemaking contains no information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 3480

Administrative practice and procedure, Coal, Government contracts, Intergovernmental relations, Mines, Public lands—mineral resources.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181, *et seq.*), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), and the Federal Land Policy and Management Act of 1976 (43 U.S.C.

1701, *et seq.*), it is proposed to amend Part 3480, Group 3400, of Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

PART 3480—[AMENDED]

1. The authority citation for Part 3480 continues to read:

Authority: The Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181, *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*); the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, *et seq.*); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Act of March 3, 1909, as amended (25 U.S.C. 396); the Act of May 11, 1938, as amended (25 U.S.C. 296a–396g); the Act of February 28, 1891, as amended (25 U.S.C. 397); the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919, as amended (25 U.S.C. 399); R.S. 441 (43 U.S.C. 1457); the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, *et seq.*); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*); and the Freedom of Information Act (5 U.S.C. 552).

§ 3483.3 [Amended]

2. Section 3483.3(b)(1) is amended by removing from where it appears in the second sentence the phrase “, except the diligent development period.”

3. Section 3483.3(b)(3) is amended by inserting the phrase “, including the diligent development period,” between the words “term” and “of” in the first line of the paragraph.

August 4, 1988.

J. Steven Griles,

Assistant Secretary of the Interior.

[FR Doc. 88–19368 Filed 8–25–88; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–388, RM–6374]

Radio Broadcasting Services; Glencoe, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on by Bill Dunnivant, seeking the allotment of FM Channel 226A to Glencoe, Alabama, as that community's first local broadcast service. Reference coordinates for this proposal are 33–56–44 and 85–52–19.

DATES: Comments must be filed on or before October 7, 1988, and reply comments on or before October 24, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Bill Dunnivant, P.O. Box 389, Athens, Alabama 35611.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–388, adopted July 14, 1988, and released August 16, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *all ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–19452 Filed 8–25–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–385, RM–6272]

Radio Broadcasting Services; Fayetteville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Noalmark Broadcasting Corporation, license of

Station KKIX(FM), Channel 280A, Fayetteville, Arkansas, proposing the substitution of FM Channel 280C1 for Channel 280A and modification of its license accordingly, to provide that community with an additional expanded coverage area FM service. The site coordinates for this proposal are 36–05–38 and 94–10–16.

DATES: Comments must be filed on or before October 7, 1988, and reply comments on or before October 24, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners counsel, as follows: Dennis J. Corbett, and Laura B. Humphries, Esqs., Leventhal, Senter and Lerman, 2000 K Street, NW., Suite 600, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–385, adopted July 6, 1988, and released August 16, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *all ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–19453 Filed 8–25–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88-390, RM-6302]

Radio Broadcasting Services; Coosa, GA**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: The Commission requests comments on a petition by Steven L. Gradick proposing the allotment of Channel 237A to Coosa, Georgia, as the community's first local FM service. Channel 237A can be allotted to Coosa in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.4 kilometers south to avoid a short-spacing to unused but applied for Channel 239A at Trion, Georgia. The coordinates for this allotment are North Latitude 34-13-54 on West Longitude 85-21-25.

DATES: Comments must be filed on or before October 7, 1988, and reply comments on or before October 24, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Steven L. Gradick, 47 Ridgeview Drive, Silver Creek, Georgia 30173 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-390, adopted July 14, 1988, and released August 16, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-19454 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-389, RM-6366]

Radio Broadcasting Services; Bozeman, MT**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This action proposes the allotment of FM Channel *271C2 to Bozeman, Montana and reservation of the channel for noncommercial educational use, in response to a petition filed by Eastern Montana College. The coordinates for Channel 271C2 are 45-40-54 and 111-02-18.

DATES: Comments must be filed on or before October 7, 1988, and reply comments on or before October 24, 1988.

ADDRESS: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William J. Byrnes, Haley, Bader & Potts, 2000 M. Street, NW., Suite 600, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-389 adopted July 14, 1988, and released August 16, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is

no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-19455 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 21****Migratory Bird Permits****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

SUMMARY: The Service proposes to modify two existing depredation orders (50 CFR 21.43 and 21.44) that presently allow killing of certain bird species for depredation control purposes. The proposed rule would prohibit the killing of the tricolored blackbird (listed as "tricolored red-winged blackbird" in 50 CFR 21.43) throughout its range, and seven species (western meadowlark [listed as "meadowlark" in 50 CFR 21.44]; American, lesser, and Lawrence's goldfinch [listed collectively as "goldfinches" in 50 CFR 21.44]; acorn woodpecker; Lewis' woodpecker; and northern flicker [listed as "flickers" in 50 CFR 21.44] in California, for depredation control purposes without first obtaining a Federal permit. This action is necessary because these species are no longer serious agricultural pests, and some are declining in numbers such that their continued existence may be in jeopardy without additional protection. This modification is intended to provide the additional protection necessary for these birds and still permit control when and where necessary for protection of California's agriculture. It does not address the need for keeping the remaining bird species in the two depredation orders.

DATE: Comments from all interested parties must be received on or before October 25, 1988.

ADDRESS: Comments concerning this proposal should be mailed to the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, 500 N.E. Multnomah St., Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Vernon D. Cunningham at the address above (503/231-6167 or FTS 429-6167).

SUPPLEMENTARY INFORMATION: Pursuant to 50 CFR 21.43, a Federal permit is not required to control the tricolored blackbird—

*** when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance ***.

Tricolored blackbird (50 CFR 21.43 currently refers to the species erroneously as tricolored red-winged blackbirds) populations throughout much of California's Central Valley have declined by over 90% during the past 50 years and probably have suffered similar losses throughout much of the remainder of their restricted range. Because of this dramatic range-wide decline, the U.S. Fish and Wildlife Service has included the species as a Category 2 "candidate" in its Review of Vertebrate Wildlife considered for possible addition to the List of Endangered and Threatened Species (47 FR 58459, December 30, 1982; 50 FR 37958, September 18, 1985).

While depredations on rice and other agricultural grain crops still occur, frightening devices are most often used to obtain relief. Tricolored blackbird damage at cattle feedlots is minimal compared to that of less insectivorous species such as starlings, brown-headed cowbirds, and red-winged blackbirds. While lethal control of blackbirds, starlings, and cowbirds is done at feedlots, tricolored blackbirds usually flock separately and can usually be avoided. Therefore, the proposed action, revision of 50 CFR 21.43 to delete any reference to the tricolored blackbird, should not significantly impact agricultural interests.

In its current form, 50 CFR 21.43 refers erroneously to yellow-headed red-winged blackbirds and bi-colored red-winged blackbirds. The proposed rule would also be revised to refer to these species correctly as yellow-headed blackbirds and red-winged blackbirds, respectively.

Pursuant to 50 CFR 21.44, a California—

*** Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision *** migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county ***.

This depredation order relates to a June 5, 1937, order by the Secretary of Agriculture and was based upon importance to crop depredation during the period 1929–36. However, California agriculture and bird populations have changed considerably since that time. Western meadowlarks, American, lesser, and Lawrence's goldfinches, acorn woodpeckers, Lewis' woodpeckers, and northern flickers are no longer considered to be significant agricultural pests according to the California Department of Food and Agriculture. Damage is infrequent and can usually be controlled by non-lethal methods. The western meadowlark has occasionally damaged sprouting grain fields, large-seeded truck crops, and grapes. Goldfinches have occasionally damaged commercial flower and vegetable seed fields. Scaring devices, barriers, and other non-lethal control methods generally provide satisfactory control. The acorn woodpecker, Lewis' woodpecker, and northern flicker occasionally damage almonds and apples and do structural damage to wooden buildings and poles. Repellents, netting, and metal barriers are effective non-lethal means which usually provide adequate protection if applied properly. In addition, Lewis' woodpecker populations are decreasing and the species could become federally listed as endangered or threatened in the foreseeable future if present trends continue.

For these reasons, the Service proposes to delete from 50 CFR 21.44 the references to the migratory bird species discussed above.

Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act

A Determination of Effects approved by the Assistant Secretary, Fish and Wildlife and Parks, on May 20, 1988, concluded that the proposed modification of the depredation orders was not a "major" rule. The proposed rule does not contain information collection requirements which would require approval by the Office of Management and Budget, and will not have a significant economic effect on a substantial number of small entities.

National Environment Policy Act Consideration

In accordance with NEPA requirements, an Environmental

Assessment of the proposed rule to "Modify Existing Depredation Orders to Protect Certain Bird Species in California" was prepared in December 1987, and a Finding of No Significant Impact was signed on May 19, 1988.

Endangered Species Act Consideration

The proposed rule is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species.

Authorship

The primary author of this proposed rule is Vernon D. Cunningham, working under the direction of Richard D. Bauer, Migratory Bird Coordinator, 500 NE. Multnomah St., Suite 1692, Portland, Oregon 97232 (503/231-6167 or FTS 429-6167).

Public Comments Solicited

The policy of the Department of the interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rule to the **ADDRESS** above on or before the **DATE** above. An environmental assessment of the proposed action has been prepared and is also available from the **ADDRESS** above.

List of Subjects in 50 CFR Part 21

Exports, Imports, Reporting requirements, Wildlife.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Subpart D of Part 21, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 21—[AMENDED]

1. The authority citation for Part 21 will continue to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712).

2. It is proposed to amend § 21.43 by revising the introductory paragraph to read as follows:

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows, and magpies.

A Federal permit shall not be required to control yellow-headed, red-winged, rusty and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, when found committing or about to commit depredations upon

ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance: Provided:

* * * * *

3. It is proposed to amend § 21.44 by revising the introductory paragraph to read as follows:

§ 21.44 Depredation order for designated species of depredating birds in California.

In any county in California in which horned larks, golden-crowned, white-crowned, and other crowned sparrows, and house finches are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: Provided:

* * * * *

Date: August 22, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-19489 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

(Case No. OEE-2-88)

Marli S.A. et al.; Order Renewing Temporary Denial of Export Privileges

In the Matter of:
MARLI S.A., 3 Chemin Tavernay, CH-1218 Geneva, Switzerland
GRAPHIC DATA PRODUCTS S.A., 3 Chemin Tavernay, CH-1218 Geneva, Switzerland
FINCOSID S.A., Galleria Benedettini, CH-6500 Bellinzona, Switzerland
TUORIMEX S.A., Via Gordemo, CH-6596 Gordola, Switzerland
and

LILLY MERCHANDISING CO., Taborstrasse 39, 1020 Vienna, Austria, Respondents.

The Office of Export Enforcement Bureau of Export Administration, United States Department of Commerce (Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations, 15 CFR Parts 368-399 (1988) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended, 50 U.S.C. app. 2401-2420 (1982 and Supp. III 1985) (the Act), has asked the Assistant Secretary for Export Enforcement to renew an order initially issued on April 22, 1988, and renewed effective June 22, 1988, temporarily denying all United States export privileges to Marli S.A., Graphic Data Products S.A., Fincosid S.A., Tuorimex S.A. and Lilly Merchandising Co. (hereinafter collectively referred to as respondents). 53 FR 15587, May 2, 1988; 53 FR 24334, June 28, 1988.

In its renewal request dated August 2, 1988, the Department states that, as a result of an ongoing investigation, it continues to have reason to believe that respondents have taken possession of controlled U.S.-origin commodities in Switzerland and then reexported them, oftentimes to proscribed destinations. The Department also has reason to believe that respondents have provided

false and misleading statements of material fact concerning the intended end-users of U.S.-origin equipment respondents ordered from a company in Switzerland which was the foreign consignee under a U.S. distribution license. Based on the orders placed by the respondents, the foreign consignee in turn ordered the U.S.-origin goods from the distribution license holder, representing that the goods were intended for use by the Western European companies respondents had named in their orders as the end-users. In fact, it appears that the Western European companies identified by respondents as being the intended end-users had no involvement in the transactions. The Department has reason to believe that, once the U.S.-origin goods were received by the respondents in Switzerland, the respondents reexported the goods, which are controlled for reasons of national security, to end-users in the Soviet bloc.

The Department believes that respondents' past activities establish that the violations of the Act and the Regulations which they are suspected of having committed and which the Department is presently investigating were deliberate and covert and are likely to occur again unless appropriate action is taken to reduce the likelihood that respondents can continue to acquire U.S.-origin goods either inside or outside of the United States. The Department believes that respondents' activities show a clear pattern of disregard for the Act and the Regulations.

Furthermore, the Department believes that in order to reduce the likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations, a renewal of the temporary denial order naming Marli S.A., Graphic Data Products S.A., Fincosid S.A., Tuorimex S.A. and Lilly Merchandising Co. is necessary to give notice to companies in the United States and abroad that they should cease dealing with these parties in transactions involving U.S.-origin goods.

None of the respondents opposed the request for renewal submitted by the Department on August 2, 1988. Therefore, based on the showing made by the Department, I find that renewal of the order temporarily denying export privileges to the respondents is necessary in the public interest to

prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with the respondents in goods and technical data subject to the Act and the Regulations in order to reduce the substantial likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations.

Accordingly, it is hereby
ORDERED

I. All outstanding individual validated export licenses in which any respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Respondents Marli S.A. and Graphic Data Products S.A., both with an address at 3 Chemin Tavernay, CH-1218 Geneva, Switzerland; Fincosid S.A., Galleria Benedettini, CH-6500 Bellinzona, Switzerland; Tuorimex S.A., Via Gordemo, CH-6596 Gordola, Switzerland; and Lilly Merchandising Co., Taborstrasse 39, 1020 Vienna, Austria, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the Department, (b) in preparing or filing with the Department any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United

States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which any respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States. These prohibitions apply only to those commodities and technical data which are subject to the Act and the Regulations.

V. In accordance with the provisions of § 388.19(e) of the Regulations, any respondent may, at any time, appeal this order by filing with the Office of Administrative Law Judges, U.S. Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order shall remain in effect for 60 days.

VII. In accordance with the provisions of § 388.19(d) of the Regulations, the

Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order. The Regulations further provide that any respondent may request that a hearing be held on the renewal request.

A copy of this Order shall be served on each respondent and this Order shall be published in the **Federal Register**.

Effective date: August 22, 1988.

Lee W. Mercer,

Assistant Secretary for Export Enforcement.

[FR Doc. 88-19427 Filed 8-25-88; 8:45 am]

BILLING CODE 3301-00-M

[Case No. OEE-1-88]

Purchasing Pool Co.; Order Renewing Temporary Denial of Export Privileges

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations, 15 CFR Parts 368-399 (1988) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended, 50 U.S.C. app. 2401-2420 (1982 and Supp. III 1985) (the Act), has asked the Assistant Secretary for Export Enforcement¹ to renew an order temporarily denying all United States export privileges to Wilfried Lange, individually and doing business as Purchasing Pool Company (hereinafter collectively referred to as respondents). The initial order was issued on April 20, 1988 (53 FR 15253, April 28, 1988) and renewed, effective June 20, 1988 (53 FR 23294, June 21, 1988).

In its renewal request of July 29, 1988, the Department states that, as a result of an ongoing investigation, it continues to have reason to believe that, on numerous occasions since the end of 1985, respondents have reexported, without the required reexport authorizations from the Department, U.S.-origin computers, which are controlled for reasons of national security from West Germany to Austria, Yugoslavia and Hungary. The Department is presently trying to obtain

documents that will further substantiate its belief.

The Department also believes that, in connection with the Department's investigation into respondents' trade-related activities, respondents have provided the Department with false and misleading information. Specifically, based on additional documentation the Department has obtained since it made its initial request, the Department has reason to believe that respondents have provided it with false invoices in an effort to hide the fact that they have reexported certain controlled U.S.-origin commodities from West Germany without the required reexport authorizations.

The Department further states that its investigation continues to give it reason to believe that a contract for two U.S.-origin computers, which are controlled for reasons of national security, presently exists between respondents and a Czechoslovakian foreign trading firm, that respondents intend to fulfill the contract in question and that they are likely to do so without complying with the Regulations.

The Department states that, viewed as a whole, the above-described events concerning respondents' past activities demonstrate that respondents are involved in a scheme to obtain controlled U.S.-origin commodities, lawfully or otherwise, take possession of them in West Germany and then reexport them, oftentimes to proscribed destinations, without obtaining the required reexport authorizations. Accordingly, the Department believes that respondents' activities show a pattern of disregard for the Act and the Regulations.

The Department continues to believe that respondents' past activities establish that the violations of the Act and the Regulations which they are suspected of having committed and which the Department is presently investigating were deliberate and covert and are likely to occur again unless appropriate action is taken to reduce the likelihood that respondents can continue to acquire U.S.-origin goods either inside or outside of the United States.

Furthermore, the Department continues to believe that, in order to reduce the likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations, a temporary denial order naming Wilfried Lange and Purchasing Pool Company is necessary to give notice to companies in the United States and abroad that they should cease dealing with these parties in transactions involving U.S.-origin goods.

¹ In accordance with Department Organization Order 50-1, dated March 23, 1988, the Assistant Secretary for Export Enforcement is now the Department official who issues temporary denial orders.

Therefore, based on the showing made by the Department and given that respondents have not opposed the Department's request for renewal, I find that an order temporarily denying export privileges to the respondents is necessary in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with the respondents in goods and technical data subject to the Act and the Regulations in order to reduce the substantial likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations.

Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which either respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Respondents Wilfried Lange and Purchasing Pool Company, both with an address at Grasslfinger Str. 61, 8038 Grobenzell, West Germany, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the Department, (b) in preparing or filing with the Department any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those

commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which either respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. No person, form, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with either respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for either respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of Section 388.19(e) of the Regulations, either respondent may, at any time, appeal this temporary denial order by filing with the Office of Administrative Law Judges, U.S. Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order shall remain in effect for 60 days.

VII. In accordance with the provisions of § 388.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Either respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received

not later than seven days before the expiration date of this order. The Regulations further provide that either respondent may request a hearing concerning the July 29, 1988 request.

A copy of this order shall be served on each respondent and this order shall be published in the Federal Register.

Effective Date: August 19, 1988.

G. Philip Hughes,

Assistant Secretary for Export Enforcement.

[FR Doc. 88-19374 Filed 8-25-88; 8:45 am]

BILLING CODE 3301-01-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council's Administrative Committee will convene a public meeting on August 29, 1988, at 9 a.m., at the Council's office (address below), and on August 30, 1988, also at 9 a.m., at the Hotel Pierre, Santurce, Puerto Rico, to discuss issues related to the Committee's regular administrative operations.

For further information contact the Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, PR 00918-2577; (809) 753-4926.

Date: August 23, 1988.

Ann D. TerBush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-19449 Filed 8-25-88; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council and its Committees will convene public meetings at the Embassy Suites Hotel, 440 West Cypress Street, Tampa, FL, as follows:

Council—On September 13, 1988, at 8:30 a.m., will discuss the Habitat Protection Committee and Budget Committee actions, review the Red Drum Amendment 3 Options Paper and select an Economic Stock Assessment Group, approve Draft Amendment 3 to the Mackerel Fishery Management Plan (FMP), establish a public hearing schedule, and continue discussion of the

Mackerel Amendment 4 Options Paper. A public comment period will be allowed from 1:30 p.m. to 2 p.m. The public meeting will recess at 5 p.m., and reconvene on September 14 at 8:30 a.m., to continue review of the Reef Fish Amendment 1 Options Paper. Public testimony will be allowed from 8:30 a.m. to 9:30 a.m., and there also will be selection of a Reef Fish Stock Assessment Group. The public meeting will recess at 5 p.m., reconvene on September 15 at 8:30 a.m., to continue review of the Reef Fish Amendment 1 Options Paper, review the Spiny Lobster Amendment 2 Options Paper, hear a summary of the Chairmen's meeting and the South Atlantic Fishery Management Council's Liaison Report, elect a Chairman and Vice Chairman, and will adjourn at 5 p.m.

Committees—On September 12 at 1 p.m., will convene with a public meeting of the Habitat Protection Committee and recess at 5 p.m. A public meeting of the Budget Committee will convene at 4 p.m. in the Collins Suite, and will recess at 5 p.m. For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228-2815.

Date: August 22, 1988.

Ann D. TerBush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-19450 Filed 8-25-88; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council has scheduled separate public meetings at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, Rooms 2143 and 2079, Building 4, 7600 Sand Point Way, NE., Seattle, WA, of its Gulf of Alaska Groundfish Plan Team and its Bering Sea/Aleutian Islands Groundfish Plan Team, to discuss development of Resource Assessment Documents (RAD), deriving estimates of acceptable biological catch (ABC) for commercial groundfish species, and reviewing bycatch rates.

The Gulf of Alaska Groundfish Plan Team public meeting will convene on September 6, 1988, at 9 a.m., and will continue as necessary through September 9. The Bering Sea/Aleutian Islands Groundfish Plan Team meeting

also will convene on September 6 at 9 a.m., continuing as necessary through September 9. For further information contact Steve Davis or Denby Lloyd, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271-2809.

Date: August 22, 1988.

Ann D. TerBush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-19451 Filed 8-25-88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

August 23, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 1, 1988.

AUTHORITY: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6498. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION: The current limit for Group II and the limits for certain categories in Groups I and III are being increased for carryover. In addition, the current limits for Categories 338 and 342 are being reduced for carryforward used in 1987.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see Federal Register notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 51, published on January 4, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant

to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 23, 1988.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 30, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on September 1, 1988, the directive of December 30, 1987 is being amended to adjust the limits for cotton and man-made fiber textile products in the following categories, as provided under the provisions of the current bilateral agreement between the Governments of the United States and Pakistan:

Category	Adjusted Twelve-Month Limit ¹
Levels in Group I:	
226	21,651,564 square yds.
313	59,137,059 square yds.
315	56,170,758 square yds.
334	46,881 doz.
335	54,980 doz.
336	141,851 doz.
342	82,219 doz.
Group II:	
200, 201, 218-225,	67,274,801 square yds.
227, 229, 239, 300,	
301, 314, 317, 326,	
330, 332, 333, 337,	
345, 349, 350, 353,	
354, 359, 360-362,	
369-S, ² and 369-O, ³ as a group.	
Levels in Group III:	
636	94,128 doz.
647/648	500,092 doz.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1987.

² In Category 369-S, only TSUSA number 366.2840.

³ In Category 369-O, all TSUSA numbers except 365.6615, 366.1720, 366.1740, 366.1955, 366.2020, 366.2040, 366.2420, 366.2440, 366.2840 and 366.2860.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,
Chairman, Committee for the Implementation
of Textile Agreements.
[FR Doc. 88-19469 Filed 8-25-88; 8:45 am]
BILLING CODE 3510-DR-M

Amendment to the Export Visa Arrangement for Certain Cotton Textile Products From India

August 23, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending the visa arrangement.

EFFECTIVE DATE: September 1, 1988.

AUTHORITY: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION: The existing export visa arrangement between the Governments of the United States and India is being amended to provide for the use of visas for Categories 369-S (shop towels) and 369-O (other than shop towels). Shipments produced or manufactured in India and exported from India on and after September 1, 1988 which are accompanied by a visa for Category 369 will be denied entry without the correct part-category designation.

A copy of the current agreement is available from the Textiles Division, Economic Bureau, U.S. Department of State, (202) 647-1988.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see Federal Register notice 52 FR 47745, published on December 16, 1987). Also see 44 FR 68504, published in the Federal Register on November 29, 1979.

James H. Babb,
Chairman, Committee for the Implementation
of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 23, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC
20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on November 26, 1979, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. This directive concerns export visa requirements for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India.

Effective on September 1, 1988, you are directed to amend further the November 26, 1979 directive to require export visas for Categories 369-S¹ and 369-O² for merchandise produced or manufactured in India and exported from India on or after September 1, 1988. Shipments accompanied by visas issued as Category 369 which are exported from India on or after September 1, 1988 shall be denied entry without the correct part-category designation.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,
Chairman, Committee for the Implementation
of Textile Agreements.
[FR Doc. 88-19426 Filed 8-25-88; 8:45 am]
BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Proposed Additions; Correction

In FR Doc. 88-17142 appearing at page 28680 in the issue for Friday, July 29, 1988, make the following correction:

On page 28681, 2nd column, under CLASS 8410, Shirt, Woman's, on the sixth line from the bottom, NSN 8410-01-224-6078 should read 8410-01-105-2505.

Because of this change, the time for receipt of comments on the proposed additions of these commodities is extended until September 12, 1988.

E.R. Alley, Jr.,
Deputy Executive Director.
[FR Doc. 88-19418 Filed 8-25-88; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1988; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

¹ In Category 369-S, only TSUSA number 366.2840.

² In Category 369-O, all TSUSA numbers except 366.2840.

SUMMARY: This action adds to Procurement List 1988 military resale commodities to be produced and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 26, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: E.R. Alley, Jr. (703) 557-1145.

SUPPLEMENTARY INFORMATION:

On June 3 and June 24, 1988, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (53 F.R. 20359 and 23783) of proposed additions to Procurement List 1988, December 10, 1987 (52 FR 46926).

After consideration of the relevant matter presented, the Committee has determined that the military resale commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the military resale commodities and service listed.

c. The actions will result in authorizing small entities to produce the military resale commodities and provide the service procured by the Government.

Accordingly, the following military resale commodities and service are hereby added to Procurement List 1988:

Military Resale Item Nos. and Name
No. 040 Pen, Twist Action, Black Ink
No. 041 Pen, Twist Action, Blue Ink
Service

Janitorial/Custodial, Federal Building
and Interagency Motor Pool,
Louisville, Kentucky

E.R. Alley, Jr.,
Deputy Executive Director.
[FR Doc. 88-19416 Filed 8-25-88; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1988 a commodity to be produced and services to be provided by workshops for the blind and other severely handicapped.

Comments Must Be Received on or Before: September 26, 1988

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: E.R. Alley, Jr. (703) 557-1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1988, December 10, 1987 (52 FR 46926).

Commodity

Blanket, Bed 7210-00-177-4986

Services

Commissary Shelf Stocking and Custodial Service, Langley Air Force Base, Virginia

Commissary Warehouse Service, Langley Air Force Base, Virginia

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 88-19417 Filed 8-23-88; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Dependent's Education Advisory Council

ACTION: Renewal of the Advisory Council on Dependent's Education.

SUMMARY: Under the provisions of Pub. L. 92-463, "Federal Advisory Committee Act," notice is hereby given that the Advisory Council on Dependent's Education has been determined to be in the public interest and has been renewed.

The Advisory Council on Dependent's Education advises the Assistant

Secretary of Defense for Force Management and Personnel and other Defense Department officials on recommended policies for operation of the DoD dependents' education system with respect to curriculum selection, administration, and functioning of the system. The Council also provides information regarding primary and secondary education with respect to programs and practices which have been found to be effective in other Federal agencies and the academic sector, and which may have application in the DoD education system.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 23, 1988.

[FR Doc. 88-19472 Filed 8-25-88; 8:45 am]

BILLING CODE 3810-01-M

Education of Handicapped Dependents, Overseas Dependents Schools National Advisory Panel

ACTION: Renewal of the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents.

SUMMARY: Under the provisions of Pub. L. 92-463, "Federal Advisory Committee Act," notice hereby given that the Overseas Dependents Schools National Advisory Panel on the Education of handicapped Dependents has been determined to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law, and has been renewed.

The Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents advises the Assistant Secretary of Defense for Force Management and Personnel and other Defense Department officials on policies for meeting the needs of handicapped children within the Department of Defense Dependents Schools (DoDDS) educational system. The panel makes recommendations on programs and budget levels and comments publicly on any proposed rules regulations, or standards regarding the education of handicapped children in DoDDS.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 23, 1988.

[FR Doc. 88-19473 Filed 8-25-88; 8:45am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Mapping Agency; Advisory Committee Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Defense Mapping Agency will meet in closed session on October 19-20, 1988 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will study the Defense Mapping Agency and ascertain whether or not the mechanism exist within DMA to meet the needs of weapons systems developers and operators with respect to resources, capabilities, and procedures.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly this meeting will be closed to the public. August 23, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-19474 Filed 8-25-88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Scientific Advisory Board; Meeting

August 23, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Aircraft Infrastructure—Subsystem and Component Reliability Improvement Research and Development Needs will meet on September 12-14, 1988, from 8:00 a.m. to 5:00 p.m., at the Pentagon, Washington DC.

The purpose of this meeting is to prepare a briefing to the Assistant Secretary of the Air Force for Acquisition. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.
[FR Doc. 88-19444 Filed 8-25-88; 8:45 am]
BILLING CODE 3910-01-M

Department of the Army

Army Science Board, Open Meeting; Ad Hoc Subgroup on Human Dimensions in Army Safety

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).
Dates of Meeting: September 13 and 14, 1988.

Time: 0800-1700 hours, September 13; 0800-1430 hours, September 14.

Place: Fort Rucker, Alabama.

Agenda: The Army Science Board Ad Hoc Subgroup on Human Dimensions in Army Safety will conduct its initial meeting at the United States Army Safety Center (USASC), Fort Rucker, Alabama. Briefings will be conducted by various members of the USASC staff as well as a representative from the Army General Counsel. Past, current and planned actions will be discussed in accordance with the Terms of Reference. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,
Administrative Officer, Army Science Board.
[FR Doc. 88-19376 Filed 8-25-88; 8:45 am]
BILLING CODE 3710-08-M

Army Science Board, Closed Meeting; Steering Group

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: September 15, 1988.

Time of Meeting: 0900-1630 hours.

Place: Alexandria, VA.

Agenda: The Army Science Board Steering Group will meet to discuss future Army Science Board study topics and potential Summer Studies as well as received a briefing from Commanding General, AMC, on how the Army Science Board can provide assistance.

This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,
Administrative Officer, Army Science Board.
[FR Doc. 88-19375 Filed 8-25-88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Education Appeal Board

AGENCY: Department of Education.

ACTION: Notice of Applications for Review Accepted for Hearing by the Education Appeal Board.

SUMMARY: This notice lists the applications for review accepted for hearing by the Education Appeal Board (the Board) between April 20, 1988, and July 27, 1988. The Chairman has prepared a summary of each appeal to help potential intervenors. In addition, the notice explains how interested third parties may intervene in proceedings before the Board.

FOR FURTHER INFORMATION CONTACT:

The Honorable Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 3053, FOB-6), Washington, DC 20202. Telephone: (202) 732-1754-3724.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education (the Secretary), and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (the Department). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most Department-administered programs that involve (a) a determination that a grant is void, (b)

the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures are set forth in 34 CFR Part 78.

Applications Accepted

Appeal of Aspira, Inc. de Puerto Rico (Aspira), Docket No. 6(270)88, ACN: 02-60505

Aspira appealed a final letter of determination issued by Grants and Contracts Service (GCS). The underlying audit reviewed expenditures and the administration of the "Talent Search Program" grant conducted between July, 1985, and June 20, 1988.

GCS determined that Aspira failed to maintain appropriate documentation to substantiate employee salary, fringe benefits, and indirect costs charged to the grant.

The Department seeks a refund of \$40,075. Aspira contests GCS' method of cost calculation and argues that only \$8,680 should be subject to refund.

Appeal of Glenpool School District, Docket No. 7(271)88; ACN: 06-60500

Glenpool School District (Glenpool) appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Part A of the Indian Education Act between July 1, 1982, and May 8, 1986. The Under Secretary has designated the Board as the forum for this appeal.

The Assistant Secretary concluded that Glenpool submitted to the Department overstated counts of Indian children which resulted in the overpayment of Part A grant funds during fiscal years 1983 through 1986.

The Department seeks a refund of \$191,246. Glenpool disputes all liability.

Appeal of the State of Michigan, Docket No. 8(272)88; ACN: 05-70304

The State appealed a final letter of determination issued by the Grants and Contracts Service (GCS). As pertinent, the underlying audit reviewed costs attributed to the National Origin Desegregation Program conducted between October 1, 1983, and September 30, 1985.

GCS determined that employee salary and other related expenses charged to the subject program were not supported by the required time distribution records.

The Department seeks a refund of \$289,704. The State disputes all liability.

Appeal of the University of California, Docket No. 9(273)88

The University appealed a 1988 funding decision of Grants and Contracts Services (GCS) to void a grant for the National Cancer for Research in Vocational Education. The grant, which was awarded on January 4, 1988, for a 5-year project period, was voided effective April 12, 1988, consistent with the U.S. District Court's order "that the Secretary vacate the designation of the University of California at Berkeley as the National Center for Research in Vocational Education * * *"

The University disputes GCS' use of a voiding procedure, rather than termination proceedings, and seeks reimbursement for \$501,000, the sum of the costs incurred from the date of award to the date of voiding. The Department disputes all liability.

Appeal of the State of Louisiana, Docket No. 10(274)88, ACN: 06-60304

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed expenditures charged to the Migrant Education Program conducted during fiscal year 1984.

The Assistant Secretary concluded that equipment purchases made during the period failed to follow established procurement procedures and were improperly charged to the Migrant Education Program.

The Department seeks a refund of \$145,553. The State disputes all liability.

Appeal of the State of Louisiana, Docket No. 11(275)88, ACN: 06-72008

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Chapter 2 of the Education Consolidation and Improvement Act during fiscal year 1985.

The Assistant Secretary sustained the auditor's finding, concluding that the State had supplanted funds during the period in issue.

The Department seeks a refund of \$75,012. The State disputes all liability.

Appeal of the State of Massachusetts, Docket No. 12(276)88, ACN: 01-30017

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed expenditures made under Part B of the Education of the

Handicapped Act (EHA-B) by the Watertown School District (Watertown) during fiscal years 1983 and 1984.

The Assistant Secretary modified the auditor's finding regarding the actual pupil count, concluding that the State and Watertown failed to maintain adequate documentation which would support the purported pupil population.

The Department seeks a refund of \$48,535. The State disputes all liability.

Appeal of Everett Community College, Docket No. 13(277)88, ACN: 10-82010

The College appealed a final letter of determination issued by Grants and Contracts Services (GCS). The underlying audit reviewed various grants administered by the College between July 1, 1984, and June 30, 1985.

GCS sustained the auditor's findings and concluded that the College had failed to maintain adequate salary distribution records for employees whose time was charged to more than one grant program.

The Department seeks a refund of \$7,226. The College disputes all liability.

Intervention

Regulations in 34 CFR 78.43 provide that an interested person, group, or agency may file an application to the Board Chairman to intervene in an appeal before the Board.

An application to intervene must indicate to the satisfaction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to the Board Chairman at the address provided above.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: August 19, 1988.

Michelle Easton,

Acting Deputy Under Secretary,
Intergovernmental and Interagency Affairs.

[FR Doc. 88-19488 Filed 8-25-88; 8:45 am]

BILLING CODE 4000-01-M

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2), it is making a noncompetitive financial assistance award under Grant Number DE-FG01-88FE61637 to the Virginia Coal Council for its tenth annual conference and exposition.

Scope: This grant will partially fund the Virginia Coal Council's tenth annual conference and exposition, "Virginia Ports: Expanding Appalachian Coal's Horizons." The conference will address issues faced by the Appalachian coal industry and highlight the expanded international market opportunities that should result from the deepening of Virginia's ports. The program will feature presentations on electrical and industrial markets; legislative issues; inland, port facilities and ocean transportation; and international coal users.

This conference will benefit the public by bringing together Coal producers, worldwide coal consumers, government agencies and officials, leaders in research and development, and representatives from all phases of the transportation industry to search for better markets for Appalachian coal domestically and overseas.

In accordance with 10 CFR 600.7(b)(2)(i)(B), negotiations will be conducted only with the Virginia coal Council. The conference will be conducted by the Virginia Coal Council; however, DOE support would enhance the public benefits by increasing the cooperative information exchange among key DOE and industrial participants. There is no known other entity which is conducting or is planning to conduct such a conference on Appalachian coal in the near future.

The term of this grant shall be from September 13 through September 15, 1988. The project cost is estimated at \$35,350, of which the share contributed by DOE will be \$15,000.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Lisa Jones, MA-452.1, 1000 Independence Ave., SW., Washington, DC 20585.

Edward T. Lovett,
Director, Contract Operations Division "A"
Office of Procurement Operations.

[FR Doc. 88-19477 Filed 8-25-88; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award Intent To Award Grant to the Virginia Coal Council

AGENCY: Department of Energy.

Economic Regulatory Administration
(ERA Docket No. 88-45-NG)

Consolidated Fuel Corp.; Application to Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import and export natural gas from and to Canada and Mexico.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notices of receipt on July 27, 1988, of an application filed by Consolidated Fuel Corporation (Consolidated) for blanket authorization to import and export up to 100 Bcf of natural gas from and to Canada and Mexico, over a two-year period beginning on the date of first delivery.

The company intends to utilize existing pipeline facilities for the transportation of the volumes to be imported or exported and to submit quarterly reports detailing each transaction.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than September 26, 1988.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Natural Gas Division, Economic Regulatory Administration, U.S. Department of Energy, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4523.
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION:

Consolidated, a Delaware corporation with its principal place of business in Dallas, Texas, is marketer of natural gas. It intends to import and export gas, either for its own account or as agent on behalf of both suppliers and purchasers, including local distribution companies, pipelines, and commercial and industrial end-users. According to the application, the authority requested by Consolidated contemplates the following types of import and export transactions: (1) Importation of supplies of Canadian and

Mexican natural gas for consumption in U.S. markets; (2) importation of Canadian natural gas for eventual return (via export) to Canadian markets; (3) exportation of domestically produced natural gas for consumption in Canadian and Mexican markets; and (4) exportation of domestically produced gas for eventual return (via import) to U.S. markets.

These transactions, Consolidated asserts, would reflect market conditions existing at the time of their negotiation, and sales would typically be on a best efforts basis.

In support of its application, Consolidated asserts that the import of Canadian and Mexican gas under market-responsive terms would make available to U.S. consumers competitively-priced spot market gas. The import of Canadian gas for eventual return to Canada would benefit U.S. interests because it would improve pipeline utilization, thereby reducing per-unit transportation and sales rates on any U.S. pipelines providing transportation. Further, an authorization to export gas would permit Consolidated to make available to spot market purchasers in Canada and Mexico supplies of U.S. gas for which there is no present regional or national need. Finally, Consolidated maintains that the export and return to the U.S. of domestically produced gas would enable U.S. consumers who might not otherwise be able to secure transportation on U.S. pipelines, the ability to purchase domestically produced gas or to take advantage of least cost transportation.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the ERA considers the domestic need natural gas export applications, the ERA considers the domestic need for the gas to be exported, and any other issue determined by the Administrator to be appropriate in a particular case. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines for the requested import authority, and on the domestic need for gas the applicant proposes to export. As noted above, the applicant asserts that import and export arrangements transacted under the requested authority will be competitive, and that there is no current need for

domestic gas that would be exported under the proposed short-term arrangements. Parties opposing the arrangement bear the burden of overcoming these assertions.

Consolidated requests that an authorization be granted on an expedited basis. An ERA decision on Consolidated's request for expedited treatment will not be made until all responses to this notice have been received and evaluated.

All parties should be aware that if the ERA approves this requested blanket import/export it may permit the import or export of the gas at any existing point of entry and through any existing transmission system.

Public Comment Procedures:

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.d.t. September 26, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of facts and issues. A party seeking intervention may request that additional procedure be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should

explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Consolidated's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076 at the above address. The docket room is open between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 19, 1988.
Constance L. Buckley,
Acting Director, Office of Fuels Programs
Economic Regulatory Administration.
 [FR Doc. 88-19479 Filed 8-25-88; 8:45 am]
 BILLING CODE 6450-01-M

[Docket No. ERA C&E 8-18; Certification Notice—23]

Filing of Certification of Compliance; Coal Capability of New Electric Powerplants Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a)). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify,

pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type facility	Mega-watt capacity	Location
Tenaska II, Inc., Omaha, NE.	8-17-88	Cogen combined cycle.	213	Paris, TX

Amendments to the FUA on May 21, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric baseload powerplants and to provide for the self certification procedure.

Issued in Washington, DC, on August 19, 1988.

Constance L. Buckley,
Acting Director, Office of Fuels Programs,
Economic Regulatory Administration.
 [FR Doc. 88-19478 Filed 8-25-88; 8:45 am]
 BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF88-588-002, et al.]

GWF Power Systems Co., Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. GWF Power Systems Company, Inc.

[Docket No. QF88-588-002]

August 19, 1988.

On August 1, 1988 GWF Power Systems Company, Inc. (Applicant) of 17780 Fitch St., Irvine, CA 92714 submitted for filing 3 applications for certification of facilities as qualifying cogeneration facilities pursuant to § 292.207 of the Commission's regulations. No determination has been

made that any of the submittals constitutes a complete filing.

The docket numbers, locations (all in California), process steam users and electric power production capacities of the 3 topping-cycle cogeneration facilities are listed below. Each facility will consist of a coal burning fluidized bed boiler and a Rankine cycle steam turbine-generator. Steam is extracted to provide process steam. In each case the user of the steam is not affiliated with the applicant.

Docket No.	Location and process steam user	Net electric power prod. capacity
QF86-138-002.....	Hanford, Kings City., Armstrong Rubber Co.	22.824 MW.
QF86-139-002.....	Kingsbury, Fresno City., Vie-Del Co.	21.789 MW.
QF86-140-002.....	Fresno City., Vie-Del Co.	21.798 MW.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

2. Soledad Energy Limited Partnership, a California Limited Partnership

[Docket No. QF88-282-001]

August 18, 1988.

On August 10, 1988, Soledad Energy Limited Partnership c/o Oxford Energy, Inc. 675 Third Avenue, 25th Floor, New York, New York 10017 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility, which will be located in an industrial park off Los Coches Drive in the southwest section of the City of Soledad in the County of Monterey, California, will burn biomass in the form of wood waste to produce steam which will drive a turbine generator to produce electricity. By order issued May 6, 1988, the Commission granted certification of the facility as a small power production facility (43 FERC ¶62,145).

The recertification is requested due to an ownership change from A. Johnson Energy Development, Inc. to Soledad Energy Limited Partnership, A California Limited Partnership.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

3. Idaho Power Company

[Docket No. ER88-567-000]

August 19, 1988

Take notice that on August 17, 1988, Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during May and June 1988, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Co., Supplement No.

77

Montana Power Co., Supplement No. 58

Washington Water Power Co.,

Supplement No. 58

Sierra Pacific Power Co., Supplement

No. 76

Comment date: September 6, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Kansas City Power & Light Company

[Docket No. ER88-564-000]

August 19, 1988.

Take notice that on August 15, 1988, Kansas City Power & Light Company (KCPL) tendered for filing with the Commission proposed changes in Service Schedules for Firm Power Service to supersede and replace Service Schedules for Firm Power Service in contracts and agreements with the following wholesale customers:

1. City of Gardner, Kansas, FPC No. 79
2. City of Pampa, Kansas, FPC No. 82
3. City of Prescott, Kansas, FERC No. 76
4. City of Baldwin, Kansas, FERC No. 85
5. City of Garnett, Kansas, FERC No. 78
6. City of Osawatonic, Kansas, FPC No.

77

7. City of Ottawa, Kansas, FERC No. 90

8. Kansas Electric Power Cooperative, Inc.—Coffey County, FPC No. 69

9. Kansas Electric Power Cooperative, Inc.—United Electric, FPC No. 84

10. City of Higginsville, Missouri, FERC No. 91

11. City of Salisbury, Missouri, FERC No. 100

The proposed changes would decrease revenues from jurisdictional sales and revenues by \$120,730.57 based on the 12-month period ending July 31, 1988.

These new Schedules are filed in compliance with Joint Offers of Settlement in Dockets No. ER86-273-001 and ER86-273-002 approved by the Commission by orders dated July 31, 1986. The result of the change will be to reduce the test year revenue for the Company's Kansas Sales for Resale

customers by 4.85% and increase the test year revenue for a portion of the Company's Missouri Sales for Resale customers by 2.21%.

A copy of the filing was sent to each customer affected and to the Kansas Corporation Commission.

Comment date: September 6, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. U.S. Department of Energy Bonneville Power Administration

[Docket No. EF87-2011-007]

August 19, 1988.

Take notice that on August 12, 1988, Bonneville Power Administration (BPA) pursuant to section 7(a)(2) of the Northwest Power Act, 16 U.S.C. 839e(a)(2), and § 300.21(f) of the Commission's regulations, 18 CFR 300.21(f), tendered for filing proposed rate schedule Modified SL-87, Long-Term Surplus Firm Power Rate. Modified SL-87 is available to Pacific Northwest purchasers for the long-term purchase of surplus firm power.

BPA has tendered the Modified SL-87 rate schedule under the Commission regulations permitting BPA to file a rate in substitution of a rate which has been disapproved by the Commission. 18 CFR 300.21(f). The Commission disapproved BPA's SL-87 rate in an order issued on April 6, 1988. *United States Dep't of Energy—Bonneville Power Administration*, 43 F.E.R.C. ¶ 61,032 (1988).

Modified SL-87 is proposed to become effective on December 1, 1988, for up to a period no longer than September 30, 2010. BPA requests waiver of the Commission's 180-day advance filing requirement contained in 18 CFR 300.10(a)(3)(iii) so that the Modified SL-87 rate receives final approval effective December 1, 1988. In the alternative, BPA requests interim approval by December 1, 1988, pursuant to § 300.20 of the Commission's regulations.

Comment date: September 6, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Companies

[Docket No. ER88-566-000]

August 22, 1988.

Take notice that on August 17, 1988, Northeast Utilities Service Companies (NUSCO) as agent for the Connecticut Light and Power Company and Western Massachusetts Electric Company (NU Companies) tendered for filing a proposed rate schedule with respect to Transmission Service Agreement (Agreement), described below as "Agreement A" between the NU Companies and Boston Edison Company

(BECO) and "Agreement B" between the NU Companies and Public Service Company of New Hampshire (PSNH) dated May 1, 1988.

NUSCO states that Agreement A provides service to BECO for the transmission of BECO's purchase of nonfirm electric system capacity and associated energy, and Agreement B provides service to PSNH for the transmission of PSNH's purchase of nonfirm electric system capacity and associated energy.

NUSCO requests that the Commission waive its standard notice periods and filing requirements to the extent necessary to permit the rate schedule to become effective as of May 1, 1988.

NUSCO states that copies of this rate schedule have been mailed to BECO and PSNH. Copies have also been sent to Vermont Electric Power Company (VELCO) and New England Power Company in accordance with the NU Companies' present intervention in VELCO, Docket No. ER88-411-000.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: September 6, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Southern California Edison Company

[Docket No. ER88-519-000]

August 22, 1988.

Take notice that on August 12, 1988, Southern California Edison Company (Edison) tendered for filing pursuant to § 35.13 of the Federal Energy Regulatory Commission's Regulations and the Federal Power Act the following Letter Agreements (Agreements) which have been executed by Edison and the United States of America, Department of Energy, acting by and through the Bonneville Power Administration (BPA). Letter Agreement Dated August 19, 1987

(Umbrella Agreement, Contract No. DE-MS79-87BP92410)

Letter Agreement Dated April 26, 1988 (Subsequent Agreement)

Notice of the submission by Edison of these Agreements was issued July 18, 1988.

These Agreements supersede the Power Sales Contract executed by BPA and Edison as of July 31, 1987 (Power Sales Contract, Contract No. 14-03-54125). The Power Sales Contract, by its terms, terminated July 31, 1987. The Parties executed these Letter Agreements to facilitate additional sales and exchange arrangements.

The Umbrella Agreement provides a 20-year contractual mechanism for the purchase and sale or exchange of surplus energy and/or capacity and/or

other services for short-term periods, not to exceed 24 months. By its terms, the Umbrella Agreement includes four exhibits: Exhibit A (Wholesale Power Rate Schedules and General Rate Schedule Provision), Exhibit B (General Contract Provisions (Form PSC SW-1)), Exhibit C (Pub. L. 88-552 as amended) and Exhibit D (Subsequent Agreements). In its July 13, 1988 filing Edison inadvertently omitted Exhibits A, B and C and included only an unmarked Exhibit D. By way of this amendment Edison has submitted the omitted exhibits and has rectified this inadvertent omission.

Edison respectfully requests waiver of the notice provisions of § 35.3 of the Commission's Regulations to permit the Agreements to become effective on July 31, 1987 to coincide with the termination of the Power Sales Contract and to permit an effective termination date of July 31, 1987 for the Power Sales Contract to coincide with the termination date in the Power Sales Contract.

Copies of this filing were served upon the Public Utilities Commission of the State of California and BPA.

Comment date: September 6, 1988, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19419 Filed 8-25-88; 8:45 am]

BILLING CODE 6717-01-M

Application Filed With the Commission

August 23, 1988.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory

Commission and is available for public inspection.

a. *Type of Filing:* Amendment of Conduit Exemption.

b. *Project No.:* 8256-006.

c. *Date Filed:* March 29, 1988.

d. *Applicant:* Electro Technologies, Ltd.

e. *Name of Project:* Highland Canal Hydroelectric Plant.

f. *Location:* On Highland Canal Ditch near the town of Meeker, in Rio Blanco County, Colorado.

g. *Filed Pursuant to:* Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. *Applicant Contact:* Alan K. Forbes, Electro Technologies, Ltd., P.O. Box 27602, Denver, Colorado 80227, (303) 721-9550.

i. *FERC Contact:* Thomas Dean, (202) 376-9562.

j. *Comment Date:* September 21, 1988.

k. *Purpose of Amendment:* The exemptee proposes to abandon the location of the authorized, yet to be constructed project, located between Highland Canal Ditch and the Lower Irrigation Canal, and relocate the project facilities approximately 2 miles east of the original exempted project. The exemptee also proposes to replace the single 800-kW generating unit with two generating units with a combined installed capacity of 1,250 kW.

Description of Project: The proposed revised project would consist of: (1) An intake structure at elevation of 6,470 feet msl located on the Highland Canal Ditch; (2) a 4,800-foot-long penstock; (3) a powerhouse containing two generating units with a combined installed capacity of 1,250 kW, operating under a hydraulic head of 110 feet; and (4) a tailrace discharging water into the White River.

l. *Purpose of Project:* Applicant intends to sell the power generated from the proposed facility.

m. This notice also consists of the following standard paragraphs: A4, B, C, and D3b.

A4. Development Application Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with the public notice of this initial development application. No competing applications or notices of intent may be filed in response to this notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters this title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 204-RB, at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D3b. Agency Comments—The Commission requests that, for the purposes in section 408 of the Energy Security Act of 1980, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the state fish and game agency(ies) file, within 45 days from the date of issuance of this notice, appropriate terms and conditions to protect any fish and wildlife resources, or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, the Commission will presume that the agency has none. Other federal, state, and local agencies are requested to provide any comments related to their duties and responsibilities. No other formal requests for comments will be made. Agencies should confine comments to

substantive issues relevant to the granting of an exemption. If any agency does not file comments within 45 days from the date of issuance of this notice, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19420 Filed 8-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-686-000 et al.]

**Texas Gas Transmission Corp. et al.;
Natural Gas Certificate Filings**

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Company

[Docket No. CP88-686-000]

August 18, 1988.

Take notice that on August 16, 1988, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP88-686-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations (18 CFR 284.221) for a blanket certificate of public convenience and necessity authorizing it to perform transportation service on behalf of other interstate pipelines and on behalf of shippers other than interstate pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that there are factors, both jointly and individually that necessitate this application. It is alleged that one of the factors is that by order issued July 6, 1988 (44 FERC ¶ 61,011), the Commission authorized Texas Gas to abandon an expired contract with one of its suppliers, United Gas Pipe Line Company. It is further alleged that the July 6, 1988, order conditioned Texas Gas to file for and accept a blanket certificate under § 284.221 of the Commission Regulations. It is asserted that the second factor is that the take-or-pay crediting mechanism provided by Order No. 500 has produced no meaningful credits during its operation on the Texas Gas system. It is alleged that despite the fact that transportation accounted for almost 75 percent of total throughput on the Texas Gas system during the 1987-1988 winter, Texas Gas' take-or-pay liability increased by approximately \$40 million during this period, while the credit generated by transportation

during the 1987-1988 winter, if any, were minimal, at best.

Texas Gas asserts that the only Commission approved vehicle which permits take-or-pay liability to be recovered through other than sales commodity rate is the statement of policy contained in Order No. 500. It is further asserted that the key elements of that policy require that (i) a blanket certificate pursuant to Part 284.221 be adopted and (ii) a filing to recover take-or-pay amounts be made no later than December 31, 1988. Texas Gas states that this filing is without prejudice to the applications for rehearing and petitions for review filed, or to be filed, in other dockets. Texas Gas further states that it would comply with § 284.221(c) of the Commission's Regulations.

Comment date: September 8, 1988, in accordance with Standard Paragraph F at the end of this notice.

2. Tennessee Gas Pipeline Company

[Docket No. CP88-688-000]

August 19, 1988.

Take notice that on August 16, 1988, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-670-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a transportation service for Tenngasco Corporation (Tenngasco), a marketer, acting as agent for The Tennessee Gas Marketing Company, Tenngasco Exchange Corporation, and Deblin Oil & Gas, Inc., under the certificate issued in Docket No. CP87-115-000 on June 18, 1987, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated June 15, 1988, it proposes to transport up to 1,000,000 dekatherms per day equivalent of natural gas on an interruptible basis for Tenngasco from points of receipt listed in Exhibit "A" of the agreement to delivery points also listed in Exhibit "A," which transportation service involved interconnections between Tennessee and various transporters. Tennessee states that it would receive the gas at various existing points in multiple states and that it would transport and redeliver the gas to Venice, Louisiana.

Tennessee advises that service under § 284.223(a) commenced June 17, 1988, as reported in Docket No. ST88-4713 (filed July 15, 1988).

Comment date: October 3, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. ANR Pipeline Company)

[Docket No. CP88-673-000]

August 19, 1988

Take notice that on August 11, 1988, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP88-673-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain certificated levels of firm sales entitlements of five firm sales customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR states that pursuant to section 284 of the Commission's Regulations, five of ANR's eligible firm sales customers, City of Aledo, Illinois; Community Natural Gas Company; Great River Gas Company; City of Lamoni, Iowa; and Wisconsin Public Service Corporation, have elected to convert a portion of their firm sales entitlements to firm transportation. ANR proposes to abandon a total of 10,943 dt of contract demand for five of ANR's firm sales customers under Rate Schedules CD-1 and SGS-1 of Original Volume No. 1 of its FERC Gas Tariff.

Comment date: September 9, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-19379 Filed 8-25-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES88-51-000]

**Pennsylvania Power & Light Co.;
Application**

August 22, 1988.

Take notice that on August 16, 1988, Pennsylvania Power & Light Company filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue up to \$400 million in short-term unsecured promissory notes including commercial paper notes. The unsecured promissory notes are to be issued from time to time, prior to September 30, 1990, with maturity date which are less than one year from the date of issuance.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 15, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-19424 Filed 8-25-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP88-80-007]

**Texas Eastern Transmission Corp.;
Proposed Changes in FERC Gas Tariff**

August 22, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 17, 1988 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Fourth Revised Sheet No. 64
Fourth Revised Sheet No. 65
Fourth Revised Sheet No. 66
Fourth Revised Sheet No. 67
Fourth Revised Sheet Nos. 68-69
Third Revised Sheet No. 482
Third Revised Sheet No. 483

Texas Eastern states that the purpose of this filing is to establish the procedures pursuant to which Texas Eastern will recover, in addition to United Gas Pipe Line Company's (United) take-or-pay charges billed to Texas Eastern and Texas Gas Transmission Corporation's (Texas Gas) flow-through to Texas Eastern of a portion of its share of United's take-or-pay charges, the flow-through by Southern Natural Gas Company (Southern) to Texas Eastern of a portion of Southern's share of United's take-or-pay charges as proposed by Southern in a filing made on August 1, 1988 in Docket No. RP88-229.

Texas Eastern's portion of United's total take-or-pay costs to be billed by Southern is \$1,950,053, exclusive of amortization interest. Texas Eastern proposes to recover this amount through fixed monthly charges of \$45,210 which includes amortization interest computed by Southern in Southern's August 1, 1988 filing in Docket No. RP88-229.

Workpapers setting forth Texas Eastern's determination of the allocation factor for the monthly principal amount and the monthly principal amounts each Texas Eastern customer will be required to pay are set forth under Attachment A.

Texas Eastern states if at any time Southern is permitted by Commission order to change its take-or-pay procedures and/or the amounts to be recovered pursuant thereto, Texas Eastern will likewise change its take-or-pay procedure and/or the amounts to be recovered pursuant thereto. In addition, Texas Eastern expressly agrees to refund to its customers all refunds received from Southern in Docket No. RP88-229.

Texas Eastern states the tariff sheets are proposed to become effective as of September 1, 1988, the proposed effective date of Southern's filing in Docket No. RP88-229.

Copies of this filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 29, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-19425 Filed 8-25-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA88-16-000]

Paul DeCleva; Petition for Adjustment

Issued: August 22, 1988.

On July 22, 1988, Mr. Paul DeCleva filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 and Subpart K of the Commission's Rules of Practice and Procedure, a petition for waiver of a portion of the interest due on a Btu refund obligation owing to Natural Gas Pipeline Company of America under Commission Order Nos. 399, 399-A and

399-B. Petitioner seeks waiver on the ground of financial distress.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register. The petition is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19421 Filed 8-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-231-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates and Tariff Provisions

August 22, 1988.

Take notice that on August 17, 1988, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates and tariff provisions for effectiveness on the dates shown below:

Effective January 1, 1988

Substitute Fourteenth Revised Sheet No. 8

First Revised Sheet No. 27

First Revised Sheet No. 28

First Revised Sheet No. 29

First Revised Sheet No. 30

First Revised Sheet No. 31

Second Revised Sheet No. 32

First Revised Sheet No. 33

Effective June 1, 1988

Fifteenth Revised Sheet No. 8

According to Granite State, the revised tariff sheets pertain to a storage service which it renders under its Rate Schedule S-1 to its two affiliated distribution company customers, Bay State Gas Company and Northern Utilities, Inc. It is further stated that the storage service is rendered for Granite State's account by Penn-York Energy Corporation (Penn-York) under the latter's Rate Schedule SS-1. Granite State further states that the Commission recently approved a settlement in Penn-York's rate proceeding in Docket No. RP87-78-000 [43 FERC ¶ 61,144] in which the rates and a revised rate structure for

service under Rate Schedule SS-1 were authorized. Further, it is said that Penn-York made a compliance filing with the Commission on May 31, 1988.

According to Granite State, it is authorized to track changes in its Rate Schedule S-1 as they are made in Penn-York's Rate Schedule SS-1. (Docket No. CP82-348-000; *Granite State Gas Transmission, Inc.*, 21 FERC ¶ 61,199 (1982). The instant filing is made to conform Granite State's rates, rate structure and other tariff provisions for storage service under Rate Schedule S-1 for consistency with identical provisions in Penn-York's Rate Schedule SS-1 as approved in the settlement in Docket No. RP87-78-000 and the Penn-York compliance filing.

Granite State further states that copies of its filing were served upon its customers, Bay State Gas Company and Northern Utilities, Inc., and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 29, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19422 Filed 8-25-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-190-001]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

August 22, 1988.

Take notice that North Penn Gas Company (North Penn) on August 16, 1988 tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1: Original Sheet No. 15H Original Sheet No. 15H(1) Original Sheet No. 15H(2) Original Sheet No. 15H(3)

North Penn states the revised tariff sheets are filed in compliance with the

Federal Energy Commission's (Commission) Order in the above docket number dated August 1, 1988 and are proposed to be effective July 1, 1988.

North Penn states these tariff sheets establish procedures pursuant to Order No. 500 by which North Penn will recover from its customers Commission-approved Take-or-Pay charges which North Penn's pipeline suppliers, pursuant to Section 2.104(e) of the Commission's Regulations, bill North Penn.

North Penn states the Take-or-Pay charges proposed to be recouped by these tariff sheets arise from Tennessee Gas Pipeline FERC Docket P86-191 and Transcontinental Gas Pipe Line Corporation FERC Docket RP88-68. The allocation procedures used by North Penn for the allocation of the Take-or-Pay costs to its customers are, to the extent possible, the same procedures utilized by its pipeline supplier.

North Penn states all refunds or additional charges arising out of FERC proceedings or court proceedings in these dockets will be allocated and charged to North Penn's customers in the same manner as utilized in this filing.

As stated above, North Penn states that it is filing these tariff sheets in response to the Commission's August 11, 1988 Order. North Penn intends to file for rehearing of the August 1, 1988 Order on the matter of customer allocation (concerning specifically treatment of Corning Natural Gas Corporation). In the event North Penn is successful on rehearing, North Penn reserves the right to revise the tariff sheets submitted herewith accordingly.

North Penn states since its pipeline suppliers' Take-or-Pay billing procedures have been placed into effect by the Commission as of or before July 1, 1988, North Penn requests that whatever waivers are necessary be granted and that the tariff sheets filed in the instant docket be accepted to be effective July 1, 1988.

Copies of this filing are being mailed to each of North Penn's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 29, 1988. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-19423 Filed 8-25-88; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of May 2 Through May 6, 1988

During the week of May 2 through May 6, 1988, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Request For Exception

Doyle Brothers, Inc., 5/3/88, KEE-0139

Doyle Brothers, Inc. (Doyle) filed an Application for Exception seeking to be relieved of the requirement to file Form EIA-821, entitled "Fuel Oil and Kerosene Sales Report." In reviewing the request, the DOE found that Doyle would not experience any inordinate burden by fulfilling its reporting obligation. Accordingly, exception relief was denied.

Interlocutory Order

Economic Regulatory Administration, 5/5/88, KRZ-0082

The DOE issued a Decision and Order in which several clarifications were made to a Decision and Order issued on April 1, 1988, to Thomas P. Reidy, Inc. First, the interest rates enumerated in the April 1 Order were set forth in more specific detail. Second, after agreement between the parties, an undeleted copy of the April 1 Order was put on file for public reference.

Refund Applications

Aminoil U.S.A., Inc./Behm Family Corporation, Corp., 5/2/88, RR139-10 and RF139-174

The Behm Family Corporation (Behm) filed a Motion for Modification in which it alleged that the refund it had received in the Aminoil U.S.A., Inc., special refund proceeding was insufficient. *Aminoil U.S.A., Inc./Behm Family Corp.*, 15 DOE ¶ 85,419 (1987). The DOE rejected Behm's claims that pertinent regulatory provisions had been misapplied and that other more

favorable market price data should have been employed in the initial refund determination. Consequently, the Motion for Modification was denied. During its review, however, the DOE found that Behm had failed to apprehend a number of matters in OHA's original determination and, *sua sponte*, issued a Supplemental Decision and Order granting Behm an additional refund of \$251,878 in principal and \$187,671 in interest.

Aminoil U.S.A., Inc./McCoy's LP Gas Service, Inc., 5/6/88, RF139-18

The DOE issued a Decision and Order concerning an Application for Refund filed by McCoy's LP Gas Service, Inc. (McCoy) in the Aminoil U.S.A., Inc. special refund proceeding. McCoy submitted a market price comparison and information which allowed the DOE to approximate its cost banks. The reconstructed cost banks showed that the firm had absorbed increased product costs greater than the refund it claimed. The market price data submitted indicated that the firm was forced to absorb the alleged overcharges, and, thus had been injured. The DOE granted the firm a refund of \$127,193, representing \$68,425 in principal and \$58,768 in interest.

B-B Paint Corporation, 5/3/88, RF272-895

The DOE issued a Decision and Order concerning an Application for Refund from crude oil overcharge funds based on the applicant's purchases of six different products. The DOE determined that all of the products purchased by the applicant, including xylene and toluene, are eligible products for the purposes of the crude oil refund proceedings. The total refund granted in this Decision is \$218.

City of Lancaster Pennsylvania B.R. Dewitt, Inc. 5/3/88, RF272-2109 and RF272-2243

The DOE issued a Decision and Order granting two Applications for Refund from crude oil overcharge funds. Each applicant consulted contemporaneous documentation in arriving at its total petroleum product purchases during the crude oil price control period. Because both claimants were end-users, neither was required to demonstrate injury. A total of \$2,473 in refunds was approved in this Decision and Order.

Dale E. Swenson, et al., 5/3/88, RF272-3028, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 25 applicants based on their respective purchases of refined petroleum products. Each applicant used

the products for various agricultural activities. Each applicant determined its claim either by consulting actual purchase records or by estimating its consumption based on the acres it farmed. Each applicant was an end-user of the products it claimed and therefore was presumed injured. The sum of the refunds granted in this Decision is \$1,261.

Dorchester Gas Corporation/Mobil Oil Corporation, 5-5-88, RF253-8

The DOE issued a Decision and Order granting an Application for Refund filed by Mobil Oil Corporation in the Dorchester Gas Corporation refund proceeding. Mobil demonstrated that it purchased 989,784 gallons of butane directly from Dorchester during the consent order period. Because the applicant limited its claim to \$5,000, it was not required to demonstrate injury. Accordingly, a small claims refund of \$5,000 in principal and \$1,847 in interest was approved for Mobil.

Edwin Powers, et al., 5/3/88, RF272-2913, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 29 applicants based on their respective purchases of refined petroleum products. Each applicant used the products for various agricultural activities. Each applicant determined its claim either by consulting actual purchase records or by estimating its consumption based on the number of acres it farmed. Each applicant was an end-user of the products it claimed and therefore was presumed injured. The sum of the refunds granted in this Decision is \$686.

Franklin D. Hadley, et al., 5/3/88, RF272-13402, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 34 applicants based on their respective purchases of refined petroleum products. Each applicant used the products for various agricultural activities, and each determined its claim either by consulting actual purchase records or by estimating its consumption based on the number of acres it farmed. Each applicant was an end-user of the products it claimed and therefore was presumed injured by the DOE. The sum of the refunds granted by this Order is \$604. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Getty Oil Company/Bratz Oil Corporation, et al., 5/6/88, RF265-0357, et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by resellers or retailers of products covered by a Consent Order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In five of these claims, the applicants were eligible for a refund below the \$5,000 small claims threshold. In the remaining claim, the applicant elected to limit its claim to \$5,000. The sum of the refunds approved in this Decision is \$47,407, representing \$23,314 in principal and \$24,093 in accrued interest.

Getty Oil Company/Ervin C. Cahlin, et al., 5/6/88, RF265-0514, et al.

The DOE issued a Decision and Order concerning 17 Applications for Refund filed by resellers or retailers of products covered by a Consent Order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In four of these claims, the applicants were eligible for a refund below the \$5,000 small claims threshold. In the remaining 13 claims, the applicants elected to limit their claims to \$5,000. The sum of the refunds approved in this Decision is \$70,795, representing \$34,816 in principal and \$35,979 in accrued interest.

Getty Oil Company/Kellam Propane Gas Company, 5/4/88, RF265-2022

The DOE issued a Decision and Order concerning an Application for Refund filed by a reseller of propane that was covered by a Consent Order that the DOE entered into with Getty Oil Company. The applicant submitted information indicating the volume of Getty propane that was indirectly purchased from Getty distributors during the consent order period. It elected to limit its claim on the basis of the level-of-distribution presumption of injury methodology and was eligible for a refund below the maximum of the \$50,000 threshold. The sum of the refund approved in this Decision is \$49,953, representing \$24,566 in principal and \$35,387 in accrued interest.

Getty Oil Company/Russ and Son's Getty, et al., 5/6/88, RF265-0082, et al.

The DOE issued a Decision and Order concerning 15 Applications for Refund filed by resellers or retailers of products covered by a Consent Order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 13 of these claims, the applicants were eligible for a refund below the \$5,000 small claims threshold.

In the remaining two claims, the applicants elected to limit their claims to \$5,000. The sum of the refunds approved in this Decision is \$70,336, representing \$34,590 in principal and \$35,746 in accrued interest.

Griswold Gardens, et al., 5/5/88, RF272-6751, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 31 applicants based on their respective purchases of refined petroleum products. Each applicant used various actual records and/or conservative estimates in order to substantiate its gallonage claim. Each applicant was an end-user of the products it claimed and therefore was found injured under the end-user presumption of injury. The sum of the refunds granted in this Decision is \$686. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Howell Oil Corp. and Quintana Refinery Co./Kent Oil and Trade Co., 5/6/88, RR245-1

The DOE issued a Decision and Order concerning a Motion for Reconsideration of a June 4, 1987 Decision and Order denying and Application for Refund filed by Kent Oil & Trading Company (Kent), a reseller of Howell Oil Corporation and Quintana Refinery Company (Howell/Quintana) motor gasoline, No. 2 diesel fuel, and naphtha. The June 4 Decision denied Kent's refund claim on the grounds that Kent was a spot purchaser of Howell/Quintana product. In its motion, Kent requested reconsideration of the denial with respect to the Howell diesel fuel which it resold to Metropolitan Petroleum Company. The firm claims that Metropolitan was a historical customer of Charter Oil Company, which in turn was an historical customer of Kent's.

In considering Kent's motion the DOE found that Kent had not shown that Metropolitan was one of its base period customers not that the purchase from Howell/Quintana was necessarily in order to maintain its base period supply obligations. Additionally, the firm did not submit any documents which supported alleged contractual commitments between Kent and Charter or between Charter and Metropolitan. Accordingly, the DOE was unable to conclude that, as a spot purchaser, Kent suffered injury as a result of its resale of the Howell diesel fuel to Metropolitan, and the firm's Motion for Reconsideration was denied.

Mobil Oil Corporation/Blakesburg Oil Company, et al., 5/5/88, RF225-9016, et al.

The DOE issued a Decision granting five Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant election to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling \$2,243 (\$1,803) principal plus \$440 interest).

Mobil Oil Corp./Clinton G. Dunk, et al., 5/6/88, RF225-9446, et al.

The DOE issued a Decision and Order granting applications filed by 10 purchasers of Mobil refined petroleum products in the Mobil Oil Corporation special refund proceeding. According to the procedures set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985), each applicant was found to be eligible for a refund based on the volume of products it purchased from Mobil. The total amount of refunds approved in this Decision was \$20,856, representing \$16,769 in principal plus \$4,087 in accrued interest.

Plaquemines Oil Sales Corp., Delta Marina, Inc., 5/6/88, RF305-8

The DOE issued a Decision and Order granting, in part, a refund application filed in the Plaquemines Oil Sales Corp. special refund proceeding by Delta Marina, Inc., a reseller. See *Plaquemines Oil Sales Corp.*, 17 DOE ¶ 85,059 (1988). In considering Delta's request for a full volumetric refund, the DOE found that the firm's banks of unrecouped increased product costs were only sufficient to support a refund of \$4,843. Because the firm's maximum refund was less than the \$5,000 small claims threshold, Delta was not required to provide a detailed showing of injury. The total refund granted, including \$1,990 in interest, was \$6,833.

Plaquemines Oil Sales Corp./Strachan Shipping Co., McDermott Marine Construction, 5/4/88, RF305-3 and RF305-6

The DOE issued a Decision and Order granting refund applications filed by two end-users from the Plaquemines Oil Sales Corporation consent order fund. In accordance with the standards in *Plaquemines Oil Sales Corporation*, 17 DOE ¶ 85,059 (1988), each applicant documented its purchase volumes of Plaquemines product and was found to be eligible to receive a refund. The total amount of refunds approved in the Decision was \$35,925, representing

\$25,470 in principal and \$10,455 in interest.

Potter Chevron, 5/3/88, RF272-5433

The DOE issued a Decision and Order denying an application for crude oil overcharge funds filed by Potter Chevron, a retail service station which sold motor gasoline and motor oil during the crude oil settlement period (August 19, 1973 through January 27, 1981). Because Potter did not show that it was injured by the crude oil overcharges, its Application was denied.

Rex W. Johnston, et al., 5/5/88, RF272-6688, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 50 applicants based on their respective purchases of refined petroleum products. Each applicant used various actual records and/or conservative estimates to report their gallonage claims. Each applicant was an end-user of the products it claimed and therefore was found injured under the end-user presumption of injury. The sum of the refunds granted in this Decision is \$1,234. All of the claimants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Simon Corporation, et al., 5/5/88, RF272-2069, et al.

The DOE issued a Decision and Order granting four Applications for Refund from crude oil overcharge funds. Each applicant estimated all or a portion of its gallonage during the crude oil price control period based on its gallonage during a period for which actual records were available. Because each claimant was an end-user, none was required to demonstrate injury. A total refund of \$944 was approved in this Decision and Order.

St. Catherine Gravel Co., 5/5/88, RF272-2128

The DOE issued a Decision concerning an Application for Refund filed by the St. Catherine Gravel Company, Inc. in the Subpart V crude oil refund proceedings. The application was based upon the firm's purchases of gasoline, propane, motor oil and antifreeze. Because antifreeze is not an eligible product, the DOE denied the portion of the claim. The total refund approved in this Decision is \$472.

Suburban Propane Gas Corporation/ Frank A. Days and Son et al., 5/2/88, RF299-81, et al.

The DOE issued a Decision granting three Applications for Refund filed by retailers and end-users in the Suburban Propane Gas Corporation special refund proceeding. Each applicant elected to

apply for a refund based upon the presumptions set forth in *Suburban Propane Gas Corp.*, 16 DOE ¶ 85,382 (1987). The total refunds granted were \$2,286 (\$2,024 principal plus \$262 interest).

Via Metropolitan Transit Metro-Dade Transit Agency Queen City Metro, 5/3/88, RF272-13 et al.

The DOE issued a Decision and Order granting refunds to three public transit authorities that filed Applications for refund in the Subpart V crude oil overcharge refund proceedings. Each of the applicants satisfactorily documented the volume of its respective purchases. As end-users, the applicants were presumed to have been injured. The refund granted was \$19,126.

Vickers Energy Corp./Texas, 5/2/88, RQ1-450

The DOE issued a Decision and Order approving the second-stage refund application filed by the State of Texas in the Vickers Energy Corporation special refund proceeding. Texas requested disbursement of its Vickers funds for a traffic light synchronization program, a local match for a rural transit providers program and for mobile car units. The DOE has previously authorized the use of Vickers monies for these programs. Because the litigation involving the Vickers funds has been resolved, the DOE can now disburse the Vickers funds for those programs it previously approved. Accordingly, Texas will receive a total of \$419,835 from the Vickers escrow fund.

Virginia Pratt, et al., 5/3/88, RF272-7079, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 30 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. Each applicant used the products for various agricultural activities, and each calculated its claim either by consulting actual purchase records or by estimating its consumption based on the acres it farmed. Each applicant was an end-user of the products it claimed and was therefore found injured based upon the end-user presumption of injury. The sum of the refunds granted in this Decision is \$1,153.

Dismissals

The following submissions were dismissed:

Name	Case No.
Burlington Industries.....	RD272-2977
Martin & Son, Inc.....	RF153-39
United States Postal Service—New York Division.....	RF272-8562

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forestall Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

August 19, 1988.

George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 88-19476 Filed 8-25-88; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[(ER-FRL-3435-7)]

Environmental Impact Statements And Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 8, 1988 through August 12, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5074.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 22, 1988 (53 FR 13318).

Draft EISs

ERP No. D-AFS-L65126-ID, Rating EC2, Boise National Forest, Land and Resource Management Plan, Implementation, Ada, Boise, Gem, Elmore, Valley and Washington, ID.

Summary

EPA would like to see greater detail on monitoring provided in the plan. The feedback mechanism described in various parts of this document needs to be made clearer so that standard operating procedures, intensity of monitoring, timber sale administration, and grazing allotment management and

modelling are adjusted when monitoring indicates a need.

ERP No. D-BLM-J65148-UT, Rating EC1, Pony Express Resource Management Plan, Implementation, Salt Lake District, Utah, Tooele and Salt Lake Counties, UT.

Summary

EPA has requested BLM to reconsider further restrictions on the acreage designated limited ORV use.

Final EISs

ERP No. F-BLM-J20009-UT, Aptus Industrial and Hazardous Waste Treatment Facility Construction and Operation, Land Exchange, Right-of-Way Grants, Temporary Use Permits and Possible 404 Permit, Tooele County UT.

Summary

EPA is in substantial agreement with this document. However, a future supplement to the EIS may be necessary to analyze an alternative hazardous waste incinerator proposed by U.S. Pollution Control at a nearby location.

ERP No. F-BLM-J70013-MT, West Hiline Planning Area, Resource Management Plan, Implementation, several Counties, MT.

Summary

EPA feels this document has significantly improved with regard to emphasis on implementation of mitigation and monitoring. However, it still does not contain assurance that monitoring and mitigation will be implemented in order for an activity to proceed. Further, without the provision that future "activity plans" will conform to the requirements of NEPA, concern remains for the environmental impacts from site specific development.

ERP No. F-BLM-L03004-AK, Trans-Alaska Gas System (TAGS) and Associated Facilities Construction and Operation, Prudue Bay to Anderson Bay, Right-of-Way Grants, Section 10 and 404 Permits and Special Use Permits, AK.

Summary

EPA's concerns with the Trans-Alaska Gas System (TAGS) project would be satisfied as long as the mitigation measures identified in this document are implemented.

ERP No. F-CGD-K40164-HI, I-H3 Freeway Construction, Windward to Leeward Oahu, US Coast Guard Approval for I-H3 Right-of-Entry, Collocation and Land Transfer, Koolaupoko, Island of Oahu, Honolulu County, HI.

Summary

EPA requested that the Coast Guard's Record of Decision specify the mitigation measures that will ensure the protection of motorists and highway construction workers from very low frequency (VLF) transmissions for the USCG OMEGA Station, including a commitment to comply with any EPA guidance on exposure levels to electromagnetic radiation.

ERP No. F-COE-L90019-WA, Puget Sound Unconfined Open-Water Disposal Sites for Dredged Material, Phase 1 (Central Puget Sound), Site Identification and Sections 10 and 404 Permits, San Juan, Mason, Thurston, Island, Jefferson, Whatcom, Skagit, king, Clallam, Pierce, and Snohomish Counties, WA.

Summary

EPA feels that this document adequately addressed EPA's comments and those of others.

ERP No. F-FHW-D40226-MD, MD-5/ Branch Avenue Improvement, North of I-95 to South of US 301, Funding and 404 Permit, Prince Georges County, MD.

Summary

EPA has no objections to the project.

ERP No. F-FHW-G40118-TX, TX-71/ US 290 Improvements, R.M. 1826 to F.M. 973, Funding, Travis County, TX.

Summary

EPA has no objections to the proposed action with proper implementation of the mitigation measures.

Dated: August 23, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88-19487 Filed 8-25-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3435-6]

Environmental Impact Statements; Notice of Availability

Responsible Agency:

Office of Federal Activities, General Information (202) 382-5076 or (202) 382-5075.

Availability of Environmental Impact Statements Filed August 15, 1988 Through August 19, 1988 Pursuant to 40 CFR 1506.9.

EIS No. 880260, Final, AFS, NV, CA, Inyo National Forest, Land and Resource Management Plan, Implementation, Inyo, Mono, Fresno, Madera and Tulare Counties, CA and Esmeralda and Mineral Counties, NV, Due: September 26, 1988, Contact: Dennis W. Martin (619) 873-5841.

EIS No. 880261, Draft, FHW, NB, US 275 Improvement, Mercer to Waterloo, Funding, Douglas County, NB, Due: October 11, 1988, Contact: Philip E. Barnes (402) 437-5521.

EIS No. 880262, Final, NPS, AK, Kenai Fjords National Park, Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880263, Final, NPS, AK, Bering Land Bridge National Preserve, Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880264, Final, NPS, AK, Yukon-Charley Rivers National Preserve, Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880265, Final, NPS, AK, Lake Clark National Park and Preserve Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880266, Final, NPS, AK, Gates of the Arctic National Park and Preserve Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880267, Final, FHW, MD, Beaver Dam Road Widening and Extension, Beaver Court to Padonia Road, Funding and 404 Permit, Baltimore County, MD, Due: September 26, 1988, Contact: Herman Rodrigo (301) 962-4010.

EIS No. 880268, Draft, EPA, REG, Coke By-Product Recovery Plants, Revised Proposed Standards for Benzene Emissions, Implementation, Due: October 11, 1988, Contact: Gilbert H. Wood (919) 541-5625.

EIS No. 880269, Draft, UMT, CA, Muni Metro System Sturnaround Project, Facilities Construction, Embarcadero, Clay Street to Brannon, Funding, City and County of San Francisco, CA, Due: October 11, 1988, Contact: Carmen C. Clark (415) 974-7317.

EIS No. 880270, Final, NPS, AK, Wrangell-St. Elias National Park and Preserve Wilderness Recommendations, Designation or Nondesignation, AK, Due: September 26, 1988, Contact: Linda Nebel (907) 257-2654.

EIS No. 880271, Final, AFS, CA, South Fork Fire Recovery and Salvage Project, August thru October 1987, South Fork Roadless Area Land and Resource Management Plan, Implementation, Shasta-Trinity

National Forest, Trinity County, CA, Due: September 26, 1988, Contact: Dan R. Angello (916) 628-5227.

EIS No. 880272, Draft, COE, FL, Miami Harbor Channel Navigation Improvements, Implementation Dade County, FL, Due: October 11, 1988, Contact: Rea N. Boothby (904) 791-3453.

EIS No. 880273, Final, EPA, CA, San Diego (LA-5) Ocean Dredged Material Disposal Site, Permanent Designation for Material Dredged from San Diego Bay, Los Angeles County, CA, Due: September 26, 1988, Contact: Wendy Wiltse (415) 974-9812.

Dated: August 23, 1988.

William D. Dickerson,
Deputy Director, Office of Federal Activities.
[FR Doc. 88-19486 Filed 8-25-88; 8:45 am]
BILLING CODE 6560-50-M

[FRL-3435-3]

Intent To Review Guidelines For Carcinogen Risk Assessment

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to review guidelines for carcinogen risk assessment and request for information.

SUMMARY: On September 24, 1986, the U.S. Environmental Protection Agency (EPA) issued risk assessment guidelines relating to environmental carcinogens, mutagens, developmental toxicants, chemical mixtures, and estimating exposure (51 FR 33992-34054). Today's notice announces EPA's intent to review the 1986 Guidelines for Carcinogen Risk Assessment, identifies areas under study for possible revision, and outlines intended procedures. Any amendments are expected to be formally proposed for public review during the Fall of 1989.

DATES: Information received by October 11, 1988 will be considered in reviewing the guidelines and developing any proposed amendments.

ADDRESS: Information may be mailed or delivered to: Ms. Linda C. Tuxen, Risk Assessment Forum, Office of Health and Environmental Assessment (RD-689), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Linda C. Tuxen, (202 or FTS) 475-6743.

SUPPLEMENTARY INFORMATION: In 1984, EPA proposed (and Agency scientists began to apply) risk assessment guidelines for carcinogenicity, mutagenicity, suspect development toxicants, chemical mixtures, and

exposure assessment. Following extensive scientific and public review, final guidelines on these topics were issued on September 24, 1986 (51 FR 33992-34054). The Guidelines set forth principles and procedures to guide EPA scientists in the conduct of Agency risk assessments, to help promote high scientific quality and Agency-wide consistency, and to inform Agency decisionmakers and the public about these scientific procedures.

In publishing this guidance, EPA emphasized that one purpose of the guidelines was to "encourage research and analysis that will lead to new risk assessment methods and data," which in turn would be used to revise and improve the guidelines. Thus, the Guidelines were developed and published with the understanding that risk assessment is an evolving scientific undertaking and that continued study would lead to changes.

As expected, there is new information and thinking in several areas of carcinogen risk assessment. In addition, after using the Guidelines for four years, Agency scientists (and others) have identified areas needing further study. For these reasons, the Agency has decided that review and, if appropriate, revision of the Guidelines for Carcinogen Risk Assessment (51 FR 33992) may be appropriate at this time. A public workshop, tentatively scheduled for early 1989, would assess possible changes in the classification system and the scientific basis for quantification. Other activities are described later in this notice.

Primary Issues

Because the guidelines have served the Agency well for four years, the current review will focus on a few selected areas. The classification system and the decision logic for when and how to apply quantitative risk estimation have been designated for priority consideration because examination of these issues is expected to consume considerable time, generate substantial discussion, and draw extensive comment.

Classification System. The classification system in the EPA Guidelines provides a framework and scientific criteria for qualitative description of the hazard potential of chemicals as human carcinogens. Aspects of the classification system that are of special interest are outlined below.

(1) **Options for weight-of-evidence scheme.** The current classification scheme for describing the weight of evidence for potential carcinogens has five groups, ranging from A for "known"

human carcinogens to E for "no evidence of human carcinogenicity." These groups, defined in the guidelines, were modeled after the classification scheme used by the International Agency for Research on Cancer (IARC) when the Guidelines were proposed in 1984. EPA created category C, "possible" human carcinogens, for chemicals having "limited" evidence from animal studies. The weight of evidence scheme, which depends on extensive review of animal and human data on potential carcinogenic effects, forms the basis for the current classification system.

With use of the Guidelines, EPA finds that the continuum of responses used to identify potential carcinogenic hazard often complicates assignment of a chemical to a particular category. In addition, the wide range of results that may recommend a substance to a particular category, encourages comparisons within a category and raises questions as to whether the designation adequately represents what is known about the potential of the substance to be a potential human carcinogen. These experiences have caused some to argue for increased numbers of categories to better differentiate among substances. Others suggest fewer categories to remove the emphasis from the letter designation and focus more on the actual evidence under consideration.

(2) **Definitions of "sufficient" and "limited" evidence.** In evaluating the strength of human and animal evidence that a particular agent is carcinogenic, EPA adopted, with modification, the definitions of "sufficient" and "limited" used by IARC (Supplement 4, 1982). In 1987 IARC revised its Preamble (Supplement 7, 1987) to give more emphasis to principles for evaluating evidence than in 1982. The new Preamble also modifies IARC definitions of "sufficient" and "limited" evidence.

The Agency is considering clarifying its definitions of sufficient and limited evidence because of uncertainty inside and outside the Agency about the intended use of "sufficient" and "limited" in the Guidelines. One issue relates to ambiguity about "sufficient" and "limited" evidence in animals when the only animal evidence consists of comparable positive findings of carcinogenicity in multiple experiments in a single strain of one species, rather than such findings in different species. Another is that guideline users have difficulty distinguishing between EPA's criteria for "limited" and for "inadequate" evidence of carcinogenicity in human studies.

(3) *Other classification issues.* Other possible changes in the classification system include additional guidance and criteria for evaluating evidence of non-carcinogenicity in humans, and for considering the relevance to human hazard assessment of carcinogenic responses in animals that appear to be species specific. Also, the use of adjectives such as "possible" and "probable" to classify carcinogens merits discussion.

Decision Logic for Quantitative Risk Estimation. Several aspects of the Guidelines deal with quantitative risk estimation. Agency scientists are considering changes that would clarify the logic for deciding when and how to estimate human cancer risks quantitatively when using only animal data.

(1) *Rationales for quantifying category C chemicals.* The current Guidelines clearly contemplate quantitative risk estimation for category A and B chemicals, but call for quantitative estimates for "possible" carcinogens assigned to class C on a "case-by-case" basis, suggesting that quantification is not expected for all chemicals in this category. EPA's experience with this aspect of the Guideline, as well as comments from numerous reviewers, suggests that additional guidance is needed on "when" quantification is appropriate. Some scientists interpret this language as contemplating quantification for nearly all chemicals in Category C. Such an interpretation assumes that data leading to the qualitative finding of "probable" hazard based on "sufficient" animal evidence is always suitable for subsequent quantitative analysis, and that data classified as "limited" is generally suitable for quantification. Other scientists interpret the Guidelines to mean that quantification is expected for a smaller subset of Category C chemicals.

(2) *"Best estimates" as compared to plausible upper bound.*

Guidance on "how" to quantify cancer risk also warrants consideration. For example, the 1986 guidelines emphasize the scientific community's somewhat limited experience with "best estimates," noting that "an established procedure does not yet exist for making 'most likely' or 'best' estimates of risk within the range of uncertainty defined by the upper and lower limit estimates."

The limited use of "most likely" or "best" estimates of risk in the current Guidelines was based on several considerations. For example, maximum-likelihood estimates based on the multistage model are usually close to upper-bound estimates or are

mathematically unstable and, even if considered useful, such estimates do not reflect the probability that the underlying model is correct.

The Agency will reconsider whether this rationale is still valid, and will focus its discussion on extrapolation model selection. In particular, scientists are currently studying models that take more biologically-based approaches to estimating risk than does the linearized multistage procedure. In addition, pharmacokinetic models may help reduce uncertainties in relating environmental levels to target organ doses. Although both EPA and the risk assessment community in general have only limited experience in using these new approaches, they merit further consideration.

Any new approach would also emphasize (a) the need for evaluation, review, and use of newer or updated methods for calculating, or coming closer to, "most likely" or "best" estimates of risk; and (b) the importance of fully stating qualifying considerations that affect Agency risk estimates, particularly the accuracy of EPA's current "plausible upper bound" estimates.

(3) *Pharmacokinetics and interspecies scaling factors.*

The current Guidelines provide for use of pharmacokinetic information to assess dose-response relationships, if supported by relevant evidence for any particular agent. The Agency expects to expand guidance in this area by discussing current scientific practices, along with new data pertinent to choosing a "default" method for use in the absence of adequate agent-specific data.

When chemical-specific information is not available, the current Guidelines call for use of interspecies dose-scaling factors based on surface area, a common but not universal approach. An alternative to surface-area scaling is based on body weight, which reduces estimated human risks by a factor of 6 or 13, depending on whether the extrapolation is from rats or from mice, respectively. Both methods are in common use and some reviewers, including the Office of Science and Technology Policy (1986), conclude that there is no clear scientific basis for choosing among them. The Agency expects to reexamine this issue in the light of recent scientific developments, including work on the use of pharmacodynamic sensitivity as a factor in making such choices.

Other Issues

The other issues under discussion, described in the following paragraphs,

would involve amending certain specific sections of the Guidelines without altering basic concepts.

Mechanisms of Carcinogenesis. The Agency now uses more information bearing on mechanisms of chemical carcinogens than in the past. As a result, EPA risk assessments often describe not only what is known about the general potential of a substance to cause cancer in animals or in humans, but also what is known about underlying mechanisms. Also, mechanistic information that may influence decisions about, for example, the human carcinogenic potential of an established animal carcinogen or the most appropriate method of quantification for a particular chemical is now frequently included in assessments.

For these reasons, the Agency is considering additional guidance on the use of mechanistic information relating to factors such as the site of contact and hormonal carcinogenesis, the role of cellular peroxide formation and cytotoxicity, and the use of promotion studies.

Data on genotoxicity is particularly relevant. Information gathered over a decade of research and testing in genetic toxicology has established positive correlations between carcinogenicity and mutagenicity. More recently the mechanisms by which carcinogens affect expression of specific genes involved in growth and differentiation (oncogenes) are being elucidated.

This information contributes to evaluating the weight of evidence regarding human carcinogenic potential, as well as the applicability of various extrapolation models. New information and concepts on the use of data on genotoxicity, along with considerations of structure-activity relationships, metabolism, and pharmacokinetics, will be evaluated to develop guidance on the hazard assessment for potential carcinogenicity.

Benign and Malignant Tumors. Currently, the Guidelines call for combining benign and malignant tumors in animal studies when "scientifically defensible," a point of national and international agreement. The IARC and National Toxicology Program (NTP) have interpreted this to mean that there is a common cell type and evidence for progression from benign to malignant tumors. EPA states it will combine tumors unless there is evidence against the progression of benign lesions to corresponding malignancies. As such, we are requiring negative evidence before we decide not to combine tumors. EPA plans to revisit its position.

Subsequent to the development of the guidelines, additional criteria, guidance, and methods for evaluating the scientific merits of the current approach have been suggested. In particular, the NTP's 1984 Report of the Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation and the IARC's Monograph Supplement 7, 1987, may provide guidance.

Risk Characterization. Risk characterization links the risk assessment and risk management elements of decision-making by presenting all important information used in the assessment, along with estimated numerical risks.

Because discussion relating to important risk characterization issues is not fully developed in the 1986 Guidelines, the Agency is considering changes that would give guidance on types of analyses to be conducted, articulating risk findings (for example, use of sensitivity analyses on data sets employed in risk extrapolation), expressing variability in risks from a given extrapolation model, levels used to project risk (e.g., median, 95 percentile, range), and ways to evaluate risks quantitatively when the qualitative weight of evidence is low.

Incorporation of Risk Assessment Forum Reports. The Risk Assessment Forum has published reports on several issues relating to cancer risk assessment. The recommendations included in the following reports will be considered for incorporation into the guidelines.

- (1) "Proliferative Hepatocellular Lesions of the Rat: Review and Future Use in Risk Assessment" (EPA/625/3-86/011) February 1986,
- (2) "Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxins and -Dibenzofurans (CDDs and CDFs)" (EPA/625/3-87/012) March 1987, and
- (3) "Thyroid Follicular Cell Carcinogenesis: Mechanistic and Science Policy Considerations" (EPA/625/3-88/014A) (Draft).

Proposed Schedule

During the last year, members of the Risk Assessment Forum, in consultation with EPA's Risk Assessment Council, have informally discussed the possible revision issues outlined above. During the coming year, this review of the Guidelines for Carcinogen Risk Assessment will include discussion and review by EPA scientists, other scientific experts, including EPA's Science Advisory Board, and the public.

The public is invited to participate by submitting information on topics

identified in this notice, and commenting on any revisions which, when proposed, would be published in the *Federal Register* during 1989.

Date: August 18, 1988.

Vaun A. Newill,
Assistant Administrator for Research and Development.

[FR Doc. 88-19412 Filed 8-25-88; 8:45 am]

BILLING CODE 5560-50-M

[FRL-3435-4]

Proposed Guidelines for Assessing Female and Male Reproductive Risk; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period on Proposed Guidelines for Assessing Female and Male Reproductive Risk.

SUMMARY: On June 30, 1988, EPA proposed Guidelines for Assessing Female and Male Reproductive Risk (53 FR 24834; 53 FR 24850), with 60-day public comment periods ending on August 29, 1988. In response to several requests, EPA is extending the deadline for comments beyond the summer vacation months to September 30, 1988.

REVISED DATE: Comments must be postmarked by September 30, 1988.

ADDRESS: Comments must be mailed or delivered to: Dr. Carol Sakai (Female Guidelines) or Dr. Harold Zenick (Male Guidelines), Reproductive Effects Assessment Group, Office of Health and Environmental Assessment (RD-689), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Carol Sakai (202) 382-7303; Dr. Harold Zenick (202) 475-8913.

SUPPLEMENTARY INFORMATION: Several groups have requested an extension of the August 29 deadline because the comment periods for both guidelines fall entirely in the vacation months of July and August, when many scientific experts are unavailable for consultation. The comment period is extended to September 30, 1988 to encourage broader participation by public interest groups, industry, and academia.

Dated: August 16, 1988.

John A. Moore,
Chairman, Risk Assessment Council.
[FR Doc. 88-19413 Filed 8-25-88; 8:45 am]

BILLING CODE 5560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Joy FM Limited Partnership et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/state	File No.	MM Docket No.
A. Joy FM Limited Partnership; Leesburg, GA.	BPH-870819MS	88-363
B. Augusta Radio Fellowship Institute, Inc. d/b/a Georgia Radio Fellowship; Leesburg, GA.	BPH-870820MA	
C. Goldwing Broadcasting Company; Leesburg, GA.	BPH-870820MF	
D. Marshall William Rowland, Jr.; Leesburg, GA.	BPH-870820MG	
E. Rivers Broadcasting, Inc.; Leesburg, GA.	BPH-870820MW	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative—A-E
2. Ultimate—A-E

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19456 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Oceans Waves Broadcasting et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/State	File No.	MM Docket No.
A. Oceans Waves Broadcasting; Narragansett Pier, RI.	BPH-870311ME	88-344
B. David C. Grady & James Durkin d/b/a South County Broadcasting; Narragansett Pier, RI.	BPH-870312MG	
C. John Correa; Narragansett Pier, RI.	BPH-870312MH	
D. Molly A. Wallman; Narragansett Pier, RI.	BPH-870313MA	
E. Cyndie Ann Rakovan; Narragansett Pier, RI.	BPH-870313MS	
F. Susan L. Kenary d/b/a Narragansett Resort Radio; Narragansett Pier, RI.	BPH-870313NA	
G. South Shore Broadcasting, Inc.; Narragansett Pier, RI.	BPH-870313NF	
H. John J. Fuller; Narragansett Pier, RI.	BPH-870313NH	
I. Wiltshire Broadcast Co.; Narragansett Pier, RI.	BPH-870313NI	
J. Brenda R. Tanger; Narragansett Pier, RI.	BPH-870313NJ	
K. Zachs Narragansett Broadcasting Partnership; Narragansett Pier, RI.	BPH-870313NL	
L. C.G. Associates of Narragansett; Narragansett Pier, RI.	BPH-870313NU	
M. Ocean Venture Broadcasting Company; Narragansett Pier, RI.	BPH-870313MZ	(Previously dismissed)

2. Pursuant to 47 U.S.C. 309(e), the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been

standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

- 1(a). Site Availability—B
- 1(b). Section 1.65—B
- 1(c). Misrepresentation—B
- 1(d). Qualifications—B
2. Air Hazard—I
3. Comparative—A-L
4. Ultimate—A-L

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicant to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19451 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Paiva Limited et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/State	File No.	MM Docket No.
A. Paiva Limited, Lewes, DE.	BPH-870910ML	88-365
B. Bay Communications, Inc., Lewes, DE.	BPH-870910MO	
C. John E. Arsenault, Jr., Lewes, DE.	BPH-870910MS	
D. Richard B. Gamberg, Lewes, DE.	BPH-870910NA	
E. Vincent T. Ridikas, Lewes, DE.	BPH-870910NL	
F. Lewes Communications, Inc., Lewes, DE.	BPH-870910NY	
G. Susan Marie Beth Romaine, Lewes, DE.	BPH-870910OE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant

1. Air Hazard—C.D.F.G.
2. Comparative—All applicants
3. Ultimate—All applicants

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicant to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19458 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; R&B Communications, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/State	File No.	MM Docket No.
A. R&B Communications Inc., Trinity, AL.	BPH-861212MB	88-378
B. Victoria Newman d/b/a Radio Trinity; Trinity, AL.	BPH-861215MA	
C. Beatrice M. Covington; Trinity, AL.	BPH-861215MF	

Applicant, and city/ State	File No.	MM Docket No.
D. Trinity FM Limited Partnership; Trinity, AL.	BPH-861215MG	
E. Morgan Broadcasting, Inc.; Trinity, AL.	BPH-861215MH	
F. John Timms; Trinity, AL.	BPH-861215MK	
G. Moulton Broadcasting Company, Inc.; Trinity, AL.	BPH-861215ML	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Comparative—A-F
2. Ultimate—A-F

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19459 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Adlai E. Stevenson IV et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. Adlai E. Stevenson IV; Mahomet, IL.	BPH-870909MK	88-364

Applicant, and city/ State	File No.	MM Docket No.
B. Louise B. Toft and Stuart A. Toft d/b/ a Alliance Broadcasting of Champaign County; Mahomet, IL.	BPH-870910MT	
C. Middletown Developers, Inc.; Mahomet, IL.	BPH-870910NO	
D. Dybedock & Associates, Inc.; Mahomet, IL.	BPH-870910NW	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard—B
2. Comparative—A,B,C,D
3. Ultimate—A,B,C,D

3. If there are any non-standardized issues in this proceeding, the full text of the issues and the applicants to which they apply are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19460 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Stephen D. Tarkenton et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. Stephen D. Tarkenton; Lafayette, FL.	BPH-870720MU	88-377
B. Family Group Radio, Ltd. III; Lafayette, FL.	BPH-870729MA	
C. Gator Radio Limited Partnership; Lafayette, FL.	BPH-870729MH	
D. Lafayette Communications of Tallahassee, Inc.; Lafayette, FL.	BPH-870729MI	
E. Brian Mitchell Rowland; Lafayette, FL.	BPH-870729MJ	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding heading at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard—B, C
2. Comparative—A, B, C, D, E
3. Ultimate—A, B, C, D, E

3. If there are any non-standardized issues in this proceeding, the full text of the issues and the applicants to which they apply are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-19461 Filed 8-25-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et

seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street NW., Room 12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 550

FMC requests an extension of clearance for 46 CFR Part 550 which provides tariff filing rules for common carriers in the domestic offshore commerce, pursuant to the Shipping Act, 1916, and the Intercoastal Act, 1933. The rule requires that agencies file and keep open for public inspection a schedule of their rates and charges for the transport of cargo. The Commission estimates an annual respondent universe of 229, with a total estimated 16,894 manhour burden. Total cost to the Federal Government is estimated at \$172,000; total cost to respondents is estimated at \$220,000.

Joseph C. Polking,

Secretary.

[FR Doc. 88-19463 Filed 8-25-88; 8:45 am]

BILLING CODE 6730-01-M

[Petition No. 6-88]

Guam Rate Agreement; Filing of Petition

The Guam Chamber of Commerce ("GCC") has filed a petition pursuant to Rule 69, 46 CFR 502.69, requesting that the Federal Maritime Commission investigate the Guam Rate Agreement, FMC No. 102-8454 ("Agreement"). GCC alleges that the Agreement is "grossly discriminatory" and "serves to preclude any concept of rate competition and is thereby detrimental to commerce." According to GCC, since the Agreement's membership constitutes a monopoly in the U.S.-Guam trade, the Agreement does not meet the definition of a "rate agreement" as set forth in 46 CFR 560.2(a)(2). The Commission is also requested to investigate and determine whether the Agreement complies with the requirements of 46 CFR 550.3(h), 552.2(a)(b)(h)(n)(f), 562.3(a)(b)(c), 562.4,

564.2(a)(1)(b), 566.1, 566.3, 568.0, 568.1, 568.2, 568.3 and 568.4.

In order for the Commission to make a thorough evaluation of this matter, interested persons are requested to submit views, arguments and/or data on the petition no later than October 11, 1988. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001 in an original and 15 copies. Responses shall also be served on the Guam Chamber of Commerce: Wayne F. Brown, Chairman of the Board, Guam Chamber of Commerce, Agana, Guam U.S.A., P.O. Box 238, 96910.

Copies of the petition are available for examination at the Washington, DC, office of the Commission, 1100 L Street NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 88-19367 Filed 8-25-88; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 87-14]

Banfi Products Corp. et al.; Amended Order of Investigation

The Commission instituted this proceeding by Order of Investigation served June 24, 1987, to determine whether Banfi Products Corporation ("Banfi"), an importer of wine from Italy, has been knowingly and willfully obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable, in violation of section 16, Initial Paragraph, Shipping Act, 1916, 46 U.S.C. 815, Initial Paragraph, amended by 46 U.S.C. app. sec. 801 (1984), and section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. sec. 1709(a)(1) ("the Shipping Acts").

Hearing Counsel, by Motion to Amend ("Motion"), has now requested that the Order of Investigation in this proceeding be amended to add ten additional respondents. Banfi filed a Memorandum in Opposition ("Memorandum"). Subsequently, Hearing Counsel filed a request for oral argument on its Motion or, in the alternative, leave to file a reply to Banfi's Memorandum. Banfi did not respond to this latter request and advised the Commission's Office of the Secretary that it would not do so.¹ On May 18, 1988, Hearing Counsel was granted leave to file a reply to Banfi's Memorandum ("Reply"), limited to indicating with specificity why orders issued against the present respondent

and the measures for production and interrogation presently available would be insufficient to achieve the purposes of the investigation.

Hearing Counsel's Motion to add ten new companies as respondents to this proceeding is based on the results of its prehearing inspection and discovery.² Hearing Counsel alleges that the various companies it has named are all engaged in a common enterprise, and that adding these companies as respondents to this proceeding will assist it in obtaining evidence and permit any ultimate remedial action to be directed against all participants in the arrangement.

Banfi in its Memorandum contends that addition of respondents at this time would prejudice it. Moreover, Banfi asserts that the addition of companies located abroad as respondents would be futile because of lack of jurisdiction or enforcement authority over such companies.³ Lastly, Banfi argues that it is not necessary to add any alleged agents of Banfi to the proceeding as respondents because any Commission order directed against Banfi will be sufficient to terminate and punish the illegal conduct described in the Order of Investigation, if such is shown.

In its Reply, Hearing Counsel contends that House of Banfi, Inc. should be added as a respondent because it would not be bound by an order directed against Banfi. Hearing Counsel explains that House of Banfi does not share a direct corporate link to Banfi and is neither owned nor apparently controlled by Banfi. Moreover, House of Banfi, a California corporation is said to perform substantially the same functions as Banfi, shipping and importing wines in its own right, and using the same freight forwarder, SOGECA, to arrange the transportation of cargo from Italy to the United States. Hearing Counsel asserts that the existence of House of Banfi and

² The respondents Hearing Counsel seeks to add are identified as: (a) Villa Banfi, SpA; Principessa Gavia, SRL; Villa Banfi Cellars, SpA; Loretto Winery; Il Chianti, Ltd.; and Riunite Vini, SpA (jointly owned by Banfi and Cantine Cooperativa Riunite), subsidiaries of Banfi engaged in wine production in Italy; (b) Banfi Holding Corp. and Villadco, Inc., holding companies which hold stock in one or more Banfi subsidiaries; (c) House of Banfi, Inc., which, like Banfi, is responsible for import/distribution of wines within the United States; and (d) Società Gestioni Commerciali ed Agricole, SpA ("SOGECA"), an Italian forwarder which handles Banfi products and 95% of the stock of which is owned by a Dr. Ezio Rivella, who is also a director and stock owner in several Banfi subsidiaries.

³ The companies located abroad are identified by Banfi as: SOGECA; Principessa Gavia, SRL; Villa Banfi Cellars, SpA; Riunite Vini, SpA; and Villa Banfi, SpA.

¹ For some unexplained reason, Hearing Counsel's request for oral argument had not been received by Banfi, and, as a result, an additional copy was mailed to it.

other related companies was not known at the commencement of this proceeding. Failure to add House of Banfi as a respondent allegedly would leave unaddressed several hundred shipments on which House of Banfi is named as shipper.

Hearing Counsel further urges that the other nine companies also be added as respondents to this proceeding. It contends that the Italian subsidiaries and affiliates of Banfi and House of Banfi may be engaged as nominal shippers on bills of lading for wine destined to the United States and produced under their own label.⁴ It also alleges that Banfi subsidiaries and affiliates may have participated, directly or indirectly, in the receipt of rebates through SOGECA, the freight forwarder obtaining transportation for Banfi and House of Banfi and, perhaps, Banfi subsidiaries and affiliates as well.

Among the devices Hearing Counsel alleges SOGECA may have used to funnel rebates to "the Banfi corporate family" are reduced or non-compensatory charges for helicopter spraying services, reduced or non-compensatory charges for computer services, and absorption of forwarding charges or inland transport costs. Hearing Counsel fears that if the Banfi subsidiaries and/or affiliates, rather than Banfi, are found to have received illegal rebates, Banfi may try to divorce itself from liability for such acts.

Hearing Counsel is also concerned that failure to amend the Order of Investigation to include the Banfi subsidiaries, affiliates, and SOGECA will enable Banfi easily to restructure its operations to divest itself of its shipper status for purposes of Commission-administered statutes, while still enjoying the benefits of rebates received through subsidiaries and affiliates by means of controlling cargo through SOGECA.

Lastly, Hearing Counsel asserts that amendment of the Order of Investigation is required to obtain discovery sufficient to complete the investigation. Hearing Counsel claims that the absence of additional parties has already presented problems in obtaining information. Moreover, making these additional parties respondents would enable the Commission to proceed directly against them through discovery and to obtain sanctions against them for their refusal to obey and failure to comply, measures

which are not available against non-parties (see 46 CFR 502.205, 502.206, 502.207, 502.210(a)).

We find that the above described contentions of Hearing Counsel have raised sufficient grounds not available until the present time to warrant granting amendment of the Order of Investigation. That Order as presently drafted is not sufficiently broad so as to cover unlawful conduct in which the proposed respondents in addition to Banfi may have engaged and effectively to terminate such conduct. Nor do the presently available means of obtaining the necessary information appear adequate or appropriate to the enlarged scope and nature of the activities to be investigated. In the event that Banfi, House of Banfi, and Banfi and/or House of Banfi subsidiaries and/or related companies have received funds through SOGECA from ocean carriers for ostensibly forwarding or brokering wine and other products imported into the United States, such transfer and/or receipt of funds, either with or without the knowledge of the ocean carriers, would in effect constitute obtaining transportation for wine and other products at less than the rates or charges that would otherwise be applicable. We will therefore grant Hearing Counsel's Motion and amend the Order of Investigation as requested.

Accordingly, pursuant to sections 16, 22, and 27 of the Shipping Act, 1916, 46 U.S.C. 815, 821, and 826, amended by 46 U.S.C. app. section 801 (1984), and sections 11, 13 and 17 of the Shipping Act of 1984, 46 U.S.C. app. section 1710, 1712, and 1716, the proceeding will be expanded to determine whether Banfi, House of Banfi, SOGECA, and/or any of the Banfi or House of Banfi subsidiaries or affiliated companies have been, knowingly and willfully, directly or indirectly, by false device or means, obtaining ocean transportation for property at less than the rates or charges that would otherwise be applicable in violation of section 10(a)(1) of the Shipping Act of 1984, and for activity prior to June 18, 1984, section 16, Initial Paragraph, of the Shipping Act, 1916, amended by 46 U.S.C. app. section 801 (1984).

The Commission clearly has the authority to name the additional companies as respondents, and the facts that they are not carriers, forwarders, or other persons subject to the Shipping Acts and may be foreign nationals acting abroad do not prevent assertion of jurisdiction for the purpose of investigating the conduct alleged here. See e.g., *U.S. Lines & Gondrand Bros.—Sect. 16 Violation*, 7 F.M.C. 464, 465,

471-72 (1962); *Armement Deppe, S.A. v. United States*, 399 F.2d 794, 797-800 (5th Cir. 1968), cert. denied, 393 U.S. 1094 (1969); *Compagnie Generale Transatlantique v. American Tobacco Co.*, 31 F.2d 663, 665 (2d Cir.), cert. denied, 280 U.S. 555 (1929). See also discussion of "prescriptive jurisdiction" in *FTC v. Compagnie De Saint-Gobain-Port-a-Mousson*, 636 F.2d 1300, 1315-16 (D.C. Cir. 1980). Substantial penalties have, moreover, been imposed by courts against foreign companies. See e.g., *United States v. Atlantica, S.p.A.*, 478 F.Supp. 833, 836-37 (S.D.N.Y. 1979).

Moreover, Banfi has not been prejudiced by the time which has elapsed so far. The mere passage of time has not injured Banfi, and no "stigma" attaches to the fact that it and the additional parties are made respondents here. The expense and annoyance of litigation are not sufficient justification for failing to investigate possible violations of the Shipping Acts. See e.g., *FTC v. Standard Oil Co. of California*, 449 U.S. 232, 244 (1980); *Petroleum Exploration, Inc. v. Public Service Comm'n*, 304 U.S. 209, 222 (1938).

Therefore, it is ordered, That Hearing Counsel's Motion to Amend the Order of Investigation is granted; and

It is further ordered, That the ordering paragraphs of the Order of Investigation in this proceeding served on June 24, 1987 are amended to read as follows:

Now therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, and section 11 of the Shipping Act of 1984, an investigation into the practices of the respondents named herein is hereby instituted to determine:

1. Whether, during the period from June 30, 1982 through June 17, 1984, respondent Banfi Products Corporation violated section 16, Initial Paragraph, of the Shipping Act, 1916, by knowingly and willfully, directly or indirectly, by means of an unjust or unfair device or means, obtaining transportation by water for property at less than the rates or charges which would otherwise be applicable;

2. Whether, during the period from August 30, 1983 through June 17, 1984, respondents other than Banfi Products Corporation violated section 16, Initial Paragraph, of the Shipping Act, 1916, by knowingly and willfully, directly or indirectly, by means of an unjust or unfair device or means, obtaining transportation by water for property at less than the rates or charges which would otherwise be applicable;

3. Whether since June 17, 1984, all or any of the respondents violated section 10(a)(1) of the Shipping Act of 1984, by knowingly and willfully, directly or

⁴ Banfi has argued that its Italian subsidiaries and affiliates do not ship their wines to the United States (See Banfi's Memorandum, 4), but there is of course presently no resolution of the matter as the hearing has not yet commenced and no evidence has been received in the case.

indirectly, by means of an unjust or unfair device or means, obtaining ocean transportation for property at less than the rates or charges that would otherwise be applicable; and

4. Whether in the event the respondents have violated the above-cited provisions, civil penalties should be assessed and, if so, the amount of such penalties, and whether any other appropriate order, including a cease and desist order, should be entered.

It is further ordered, That a public hearing be held in this proceeding before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge, in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61;

It is further ordered, That Banfi Products Corporation; Villa Banfi, SpA; Principessa Gavia, SRL; Villa Banfi Cellars, SpA; Loretto Winery; Il Chianti, Ltd.; Riunite Vini, SpA; Banfi Holding Corp.; Villadco, Inc.; House of Banfi, Inc.; and Societa Gestioni Commerciali ed Agricole, SpA ("SOGECA") be designated respondents in this proceeding;

It is further ordered, That pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the Administrative Law Judge shall be issued by August 30, 1989 and the final decision of the Commission shall be issued by December 30, 1989;

It is further ordered, That the Commission's Bureau of Hearing Counsel is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and

Procedure, 46 CFR 502.118, and shall be served on parties of record.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 88-19464 Filed 8-25-88; 8:45 am]

BILLING CODE 6730-01-M

Inquiry Into Laws, Regulations and Policies of the Republic of Korea Affecting Shipping in the United States/Korea Trade; Amended Notice

Pursuant to section 15 of the Shipping Act of 1984, 46 U.S.C. app. 1714 ("Section 15 Order"), the Commission initiated this inquiry into the existence and impact of laws, regulations and rules of the Government of the Republic of Korea ("ROK") affecting the ancillary maritime activities carried on in the ROK by common carriers serving the U.S. foreign trade with Korea ("Trade"). The purpose of the inquiry was to determine whether there exist conditions in the Trade unfavorable to shipping, within the meaning of section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19"). The questions posed in the section 15 Order and the responses it generated were described in the Commission's Notice of March 28, 1988 ("March Notice").

That document detailed the various ROK enactments which could serve to hamper and restrict non-ROK-flag carriers who are otherwise prepared to carry on their own ancillary maritime activities in Korea. The March Notice stated:

While the responses [to the Section 15 Order] reflect the discriminations practiced, they are far less detailed or informative as to any detrimental impacts these practices visit on U.S. interests protected by Section 19.

The March Notice referred to commitments made by the ROK on some issues in the course of discussions with U.S. Government officials in May 1987, and to actual progress made on other issues. Based on these factors, the Commission determined not to initiate action pursuant to section 19 at that time, but to reassess the need for such action "after the ROK Government has had the opportunity to fully act on its May 1987 commitments." interested parties were invited to submit additional information on the status and effects of relevant ROK practices by July 15, 1988.

Comments in Response to The March Notice

Three responses to the March Notice have been filed. Maritime Administrator John Gaughan, on behalf of the Departments of Transportation and State ("DOT and DOS"), submitted a letter detailing discussions held between U.S. and ROK officials in late April 1988. Mr. Gaughan notes that the ROK's commitment to permit U.S. carriers to own and operate their own branch offices no later than June 30, 1988, is dependent upon legislative action and was therefore hindered by the ROK's majority party's loss of a majority in the April 26, 1988 National Assembly elections. Thus, delays in issuance of branch office licenses will be occasioned, perhaps, Mr. Gaughan advises, until early 1989.

On the issue of container terminals, Mr. Gaughan reports that both Sea-Land Service, Inc. ("Sea-Land") and American President Lines, Ltd. ("APL") have signed contracts for the use of the on-dock container freight station ("CFS") at the Port of Pusan, but notes that "the facility is still unused, due to the high rate charged for its use." Mr. Gaughan advises that U.S. carrier participation in developing future container facilities in Korea is being urged by DOT and DOS and this remains an open issue. Mr. Gaughan reports that Jin Nym, Administrator of the Korea Maritime and Ports Administration ("KMPA") indicated his willingness to meet with foreign shipowners, a "departure from previous KMPA Administrators." No progress is said to have been made on trucking rights other than that ROK officials have "opened a dialogue" on the issue.

Mr. Gaughan concludes that there is now "a greater readiness on the part of Korea's maritime policymakers to resolve our concerns and move to a more amicable maritime relationship." He opines that no formal section 19 action is warranted at this time.

APL states that "little progress has been made" in any of the areas of concern, but that this may be caused by "the intervention of the 1988 Olympics in Korea, the ongoing labor and civil strife, and the recent elections resulting in substantial realignment of political power." * * * Noting that the fall session of the ROK National Assembly is scheduled for September through December, 1988, APL requests that interested parties be granted leave until January 30, 1989 to fill further comments in response to the March Notice.

Sea-Land also requests an extension of time to respond to the March Notice

in recognition of the fall assembly of the legislature; it suggests a new comment period ending November 15, 1988. Sea-Land reports greater progress than does APL, however, noting that discriminatory treatment as to the use of container yards and CFS facilities at Pusan "has ceased," and that "progress is being made" in other areas, particularly on the branch office issue. Sea-Land notes that continued progress and resolution are dependent upon legislative action.

Discussion

There have been conflicting reports on the degree of progress achieved to date on specific issues raised by this inquiry into the practices of the ROK affecting the ability of carriers to carry on ancillary maritime activities. Some progress has been made, according to Sea-Land and Mr. Gaughan, although not as much as was anticipated. APL reports much less movement.¹ Yet the commenting parties agree that a prompt resolution of these issues appears to have been impeded at least in part by political developments in Korea occurring since the March Notice.

The Commission is particularly mindful of the unanimity of the U.S. carriers—who are the only commercial interests commenting and who are among the few carriers operating in the Trade who are desirous of undertaking their own ancillary maritime activities—in requesting more time to comment and in not proposing any section 19 action by the Commission. Thus, the parties whose interests are being affected by the ROK laws and practices appear to be satisfied, not with the level of progress achieved to date, but with the legitimacy of the apparent reasons why previous commitments have not as yet been realized.

In light of these circumstances, the Commission has determined to grant the U.S.-flag carriers' requests, and to provide an additional opportunity to augment and update the responses received in the March Notice and to comment on the impact and effect of the ROK laws, rules and policies at issue. This action should not be taken as a determination by the Commission that section 19 action is unwarranted or insupportable at this time. The Commission is adopting the suggestion of the commenting parties that, as stated by Sea-Land, they would be "in a better position to provide the Commission with

more definitive and conclusive responses to its Notice" following assembly of the legislature. To this end, the Commission shall extend the time for responses to the March Notice until January 30, 1989.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 88-19465 Filed 8-25-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of June 29-30, 1988

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on June 29-30, 1988.¹ The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that economic activity has continued to expand at a fairly vigorous pace. Growth in total nonfarm payroll employment moderated somewhat in April and May. The civilian unemployment rate rose to 5.6 percent in May, a level just below its average in the first quarter. Industrial production advanced considerably in April and May. Retail sales were little changed on balance over the two months after rising appreciably in the first quarter. Available data indicate that business capital spending has remained at the high level reached in the first quarter. Housing starts fell sharply in May, but other indicators suggested little change in the pace of recent housing activity. The nominal U.S. merchandise trade deficit declined substantially in April, as imports dropped sharply and exports were essentially unchanged. Most measures indicate that prices and wages have risen somewhat more rapidly in recent months. Prices of a broad range of commodities, particularly agricultural goods, have increased sharply in the past few weeks.

Short-term interest rates have risen since the Committee's meeting on May 17, while bond yields have moved lower. The trade-weighted foreign exchange value of the dollar in terms of the other G-10 currencies appreciated considerably over the intermeeting period.

Expansion of M2 and M3 slowed considerably in May and M1 was about unchanged, but data available for June suggested some pickup in monetary growth. From a fourth-quarter base, M2 and M3 have grown at rates in the upper portion of the ranges established by the Committee for 1988.

Expansion in total domestic non-financial debt for the year thus far appears to be at a pace somewhat below that in 1987.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability over time, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives, the Committee reaffirmed at this meeting the ranges it had established in February for growth of 4 to 8 percent for both M2 and M3, measured from the fourth quarter of 1987 to the fourth quarter of 1988. The monitoring range for growth in total domestic nonfinancial debt was also maintained at 7 to 11 percent for the year.

For 1989, the Committee agreed on tentative ranges for monetary growth, measured from the fourth quarter of 1988 to the fourth quarter of 1989, of 3 to 7 percent for M2 and 3½ to 7½ percent for M3. The Committee set the associated monitoring range for growth in total domestic nonfinancial debt at 6½ to 10½ percent. It was understood that all these ranges were provisional and that they would be reviewed in early 1989 in the light of intervening developments.

With respect to M1, the Committee reaffirmed its decision in February not to establish a specific target for 1988 and also decided not to set a tentative range for 1989. The behavior of this aggregate will continue to be evaluated in the light of movements in its velocity, developments in the economy and financial markets, and the nature of emerging price pressures.

In the implementation of policy for the immediate future, the Committee seeks to increase slightly the existing degree of pressure on reserve positions. Taking account of indications of inflationary pressures, the strength of the business expansion, developments in foreign exchange and domestic financial markets, and the behavior of the monetary aggregates, somewhat greater reserve restraint would, or slightly lesser reserve restraint might, be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with growth in M2 and M3 over the period from June through September at annual rates of about 5½ and 7 percent, respectively. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a federal funds rate persistently outside a range of 5 to 9 percent.

By order of the Federal Open Market Committee, August 22, 1988.

Donald L. Kohn,

Secretary, Federal Open Market Committee.
[FR Doc. 88-19371 Filed 8-25-88; 8:45 am]

BILLING CODE 6210-01-M

¹ The U.S.-flag carriers do not address the shortcomings in the record noted in the March Notice; e.g., the lack of descriptions of the impact or costs of the ROK practices on affected carriers in the Trade.

¹ Copies of the Record of policy actions of the Committee for the meeting of June 29-30, 1988, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notification listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 9, 1988.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55408:

1. *George Klein Share of Family Trust* dated December 31, 1975, FBO Daniel Klein, to acquire 13.06 percent of the Common Stock; *George Klein Share of Family Trust* dated December 31, 1975, FBO Daniel Klein, to acquire 17.66 percent of the Class A Preferred Stock; *George Klein Share of Family Trust* dated December 31, 1975, FBO James Klein, to acquire 17.66 percent of the Class Preferred Stock; and *George Klein Share of Family Trust* dated December 31, 1975, FBO Alan Klein, to acquire 17.66 percent of the Class Preferred Stock of Klein Bancorporation, Inc., Chaska, Minnesota, and thereby indirectly acquire First National Bank in Montevideo, Montevideo, Minnesota; First National Bank of Waconia, Waconia, Minnesota; First National Bank of Chaska, Chaska, Minnesota; State Bank of Young America, Young America, Minnesota; The Klein National Bank of Madison, Madison, Minnesota; Victoria State Bank, Victoria, Minnesota; Oakley Holding Company, Buffalo, Minnesota; and Oakley National Bank, Buffalo, Minnesota.

Board of Governors of the Federal Reserve System, August 22, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-19372 Filed 8-25-88; 8:45 am]

BILLING CODE 6210-01-M

First Bancorporation of Ohio; Proposed Acquisition of Federal Savings Bank

First Bancorporation of Ohio, Akron, Ohio, has applied under § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire all of the voting shares of Peoples Federal Savings Bank ("Peoples"), Wooster, Ohio.

The board previously has determined by order that the operation of a thrift institution (including a federal savings bank) is closely related to banking, but not, as a general matter, a proper incident to banking under section 4(c)(8) of the Act. See e.g., *Citicorp*, 72 Federal Reserve Bulletin 724 (1986). However, the Board has approved several proposals involving the acquisition of failing thrift institutions on the basis that any adverse effects would be overcome by the public benefits of preserving the failing thrift institutions. *Citicorp*, *supra*; *The Chase Manhattan Corporation*, 71 Federal Reserve Bulletin 462 (1985).

Interested persons may express their views in writing on the question whether consummation of the proposed acquisition can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comments must conform with the requirements of the Board's Rules of Procedure (12 CFR 262.3(e)).

In view of the request by the Federal Home Loan Bank Board that the Board act promptly on this application in light of the financial condition of Peoples, the comment period has been shortened to seven days.

Accordingly, comments regarding this application must be submitted in writing and must be received at the offices of William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Room 2223, Eccles Building, 20th Street and Constitution Avenue, NW., Washington, DC 20551, not later than 5:00 p.m. on Thursday, September 1, 1988. This application is available for immediate inspection at the offices of the Board of Governors and the Federal Reserve Bank of Cleveland.

Board of Governors of the Federal Reserve System, August 24, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-19525 Filed 8-24-88; 3:02 pm]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following is submitted to OMB since the last list was published on August 12, 1988.

Health Care Financing Administration

(Call Reports Clearance Officer on 301-966-2088 for copies of package.)

ACTION: The Health Care Financing Administration has submitted the following public information requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. **NOTE:** This is a correction to the notice published in the August 12, 1988 *Federal Register* on pg. 30471.

SUMMARY: On June 3, 1988, the final rule "Conditions for Intermediate Care for the Mentally Retarded, (42 CFR, Section 483 Subpart D) was published in the *Federal Register*". This rule revises and simplifies the content of regulations for intermediate care facilities for the mentally retarded and persons with related conditions and requires extensive change to the ICF/MR Survey Report Form (HCFA-3070B). The revisions to the Survey Report Form will simplify and clarify Federal requirements while strengthening client health and safety. The effective date of these regulations is October 3, 1988. In view of the critical importance of the Survey Report Form to the implementation of the ICF/MR survey process and the considerable opportunity already extended to the public for comment, the OMB has approved expedited processing (30 days) for this information collection proposal. The following summarizes the information collection proposal submitted to OMB.

Type of Request: Revision

Originating Office: Health Care
Financing Administration
Title of information collection: ICF/MF
Survey Report
Form number: HCFA #3070B—Revised
Frequency: Annual
Respondents: State or local governments
Estimated number of responses: 4,315
Average hours per response: 3
Total estimated burden hours: 12,945
Additional Information or Comments: A
copy of the proposed form and
instructions are published herewith.
Also attached are the survey

procedures as contained in Appendix
J, entitled, "Interpretive Guidelines
and Survey Procedures". To obtain a
copy of the interpretive guidelines
contact Robert Harrison at (301) 966-
6832. Comments and questions should
be directed immediately to (OMB)
Allison Herron (202) 395-7316 or for
program information call (301) 966-
2088.

Written comments and
recommendations for the proposed
information collections should be sent

directly to the appropriate OMB Desk
Officer designated above at the
following address:

OMB Reports Management Branch, New
Executive Office Building, Room 3208,
Washington, DC 20503, Attn: Allison
Herson.

Date: August 23, 1988.

James V. Oberthaler,
Deputy Assistant Secretary for Information
Resources Management.

BILLING CODE 4150-04-M

Part I

ICF/MR Survey Report		7. State Region Code	8. State/County Code
1. Name of ICF/MR		9. Dates of Survey (Begin/End)	
2. Street Address		10. Type of Ownership or Control: (Check one)	
3. City and/or County, State, Zip		<input type="checkbox"/> A. Private (Non Profit) <input type="checkbox"/> B. Private (Proprietary) <input type="checkbox"/> C. State <input type="checkbox"/> D. City/Town <input type="checkbox"/> E. County <input type="checkbox"/> F. City-County <input type="checkbox"/> G. Other # H.	
4. Medicaid Provider #			
5. Name of CEO	6. Telephone #	(Specify:)	
11. Is this ICF/MR a distinct part of a Hospital, SNF or ICF? (Check one) <input type="checkbox"/> Y <input type="checkbox"/> N			
12. If "YES", indicate the Hospital Provider #, SNF Provider #, or ICF Provider #:			
13. FACILITY DATA			
A.	Is this ICF/MR a residential unit within a larger organization or agency in the State that provides residential services to persons with mental retardation? (Check one)		<input type="checkbox"/> Y <input type="checkbox"/> N
	If no, proceed to Item G.		
B.	If "YES", indicate: Name of organization:		
	Address of Organization:		
D.	Name of CEO of organization:		
E.	Total # of beds (bed capacity) of the larger organization:		
F.	Total # of clients (including ICF/MR clients) served by the organization:		
G.	Is this ICF/MR the only residence/residential unit at the address stated in W #2 (above)? (Check one)		<input type="checkbox"/> Y <input type="checkbox"/> N
H.	Is this ICF/MR the only resident/residential unit in the building at the address stated in W #2 (above)? (Check one)		<input type="checkbox"/> Y <input type="checkbox"/> N
I.	Total # of ICF/MR beds under this Provider #:		
J.	Total # of discreet living units under this Provider #:		

-2-

K.	Median age of clients served under this Provider #:
L.	Age range of clients served:
M.	Total # of off-campus day program sites used by ICF/MR clients.

14. SURVEY TEAM COMPOSITION

(Col. #1): Indicate the number of disciplines represented on the survey team.

(Col. #2): Indicate the number of surveyors represented on the survey team who also qualify as a QMRP? Indicate Name(s) and Title(s) of Surveyors on last page of this form.

	(1)	(2)		(1)	(2)
A. Administrator	<input type="text"/>	<input type="text"/>	H. LSC Specialist	<input type="text"/>	<input type="text"/>
B. Nurse	<input type="text"/>	<input type="text"/>	I. Laboratorian	<input type="text"/>	<input type="text"/>
C. Dietitian	<input type="text"/>	<input type="text"/>	J. Sanitarian	<input type="text"/>	<input type="text"/>
D. Pharmacist	<input type="text"/>	<input type="text"/>	K. Therapist	<input type="text"/>	<input type="text"/>
E. Records Administrator	<input type="text"/>	<input type="text"/>	L. Physician	<input type="text"/>	<input type="text"/>
F. Social Worker	<input type="text"/>	<input type="text"/>	M. Psychologist	<input type="text"/>	<input type="text"/>
G. (Not Applicable)	<input type="text"/>	<input type="text"/>	N. Other O. <input type="text"/>	<input type="text"/>	<input type="text"/>
			(Specify)		

P.	Total # of surveyors onsite:	<input type="text"/>	Q.	Total # of QMRP surveyors onsite:	<input type="text"/>
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15. STAFFING

List the full time equivalents who function in this capacity:

A.	Direct Care Personnel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	(483.430(d)(3))						
B.	Registered Nurse	<input type="text"/>	<input type="text"/>	C.	Licensed Voc/Practical Nurse	<input type="text"/>	<input type="text"/>
	(483.460(d)(3))				(483.460(d)(2))		
D.	Total Personnel (List the Full Time Equivalents):	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

16. OFF-CAMPUS DAY PROGRAMS

A.	How many clients of the sample attend off-campus day programs?
B.	In how many off-campus day program sites was an observation done by the surveyor?

CLIENT CHARACTERISTICS

	AGE Under 22	22-45	46-65	66+	TOTAL #	%
17. SEX						
A. Male						
B. Female						
18. Total:						100%
19. DISABILITIES:						
A. <u>Mental Retardation</u> (Total)						
1. Mild						
2. Moderate						
3. Severe						
4. Profound						
B. <u>Autism</u>						
C. <u>Cerebral Palsy</u>						
D. <u>Epilepsy</u> (Total)						
1. Controlled						
2. Uncontrolled						
20. OTHER DISABILITIES:						
A. <u>Nonambulatory</u> (Total)						
1. Mobile						
2. Non-Mobile						
B. <u>Speech/Language Impairment</u> (Total)						
C. <u>Hearing Impairment</u> (Total)						
1. Hard of Hearing						
2. Deaf						

NOTE: The total numbers may exceed the facility's population because some clients have multiple disabilities.

PAGE 2 OF CLIENT CHARACTERISTICS

AGE							
Under	22	22-45	46-65	66 +	TOTAL #	%	

D. Visual Impairment (Total)

1. Impaired
2. Blind

21. Medical Care Plan
22. Drugs to Control Behavior
23. Restraints
24. Time Out Rooms
25. Application of Painful or Noxious Stimuli
26. # Attending Off-Campus Day Programs
27. # of Court Ordered Admissions
28. Number of Clients Over Age 18 with a Legal Guardian Assigned by the Court.

29. Other (Specify):

- A. _____
- B. _____
- C. _____

NOTE: The total numbers may exceed the facility's population because some clients have multiple disabilities.

The ICF/MR Survey Report Form (SRF)
HCFA #3070B - Revised

PART 1: DEMOGRAPHIC DATA (required form)

Purpose: Cover sheet for the ICF/MR SRF which will summarize data relative to: facility characteristics; description of the client population served; special needs represented by that population; and essential characteristics of the survey conducted. Portions of this information will be entered into the Medicare-Medicaid Automated Certification System (MMACS) and will be used to review trends about the ICF/MR program nationwide.

General:

- Instructions:
1. Complete all portions of this form.
 2. If a number is requested (e.g., # of beds, # of clients), and the answer is NONE or ZERO, please enter a "0" in the space provided.
 3. If a box is provided to "check one" of the answers provided, enter a " " (check mark).
 4. The symbol "Y" means "Yes" and "N" means "No".
 5. The symbol "#" means "Number".
 6. Abbreviations used: "CEO" means Chief Executive Officer; "QMRP" means Qualified Mental Retardation Professional; "MR" means mental retardation.
 7. Regulatory references included on the form refer to regulations found in the Code of Federal Regulations, and refer to regulations applicable to ICFs/MR.
 8. Review all portions of the form for accuracy.

Specific

Instructions:

Blocks 1-8, 11-12: Enter identifying data, as requested.

Block 9: Enter the dates of the first and last days of the survey (regardless if there is a break in survey days).

Block 10 (A-G): Check which category best applies.

" (H): If none of the above describes the facility, specify the type that does.

Block 13 (A): A "Yes" indicates that the CEO directs the activities of the ICF/MR, but also directs the activities of another residential services program (e.g. another ICF/MR; another Medicare/Medicaid Provider that serves persons with MR regardless of funding source). A "No" indicates that the CEO of the ICF/MR does not direct the activity of any other residential services program for persons with MR.

Blocks 13 (B-D): If "Yes" was indicated for 13A, identify the name, address and CEO of the larger organization or agency (could be the same information for the ICF/MR.)

Block 13 (E): Enter the total bed capacity of all residential services directed by the CEO (including the ICF/MR bed capacity.)

Block 13 (F): Enter the total # of clients residing in the beds described in Block 13E (including ICF/MR clients).

- Block 13 (G): A "Yes" indicates that there is no other bed capacity (beyond that of the ICF/MR covered under this provider #) at the address stated at W#2. A "No" indicates that there is other bed capacity to provide residential services to persons with MR at the address stated at W#2 (e.g., the organization or agency operates: another ICF/MR on the grounds or campus; operates another Medicare/Medicaid provider on the campus; operates beds for residential services that are not certified).
- Block 13 (H): A "Yes" indicates that: there is only one building (e.g., a house or apartment bldg.) at the address in W#2; the ICF/MR is the sole occupant that provides residential services to people with MR; and the bldg. is "community-based" into the surrounding neighborhood. A "No" indicates that: the ICF/MR encompasses several buildings; there are other special residential programs for persons (e.g. mentally ill, juvenile offenders, etc.) operated in the same bldg. as the ICF/MR.
- Block 13 (I): Enter the #, as requested.
- Block 13 (J): Enter the total # of discrete units. If the ICF/MR encompasses several bldgs, count the # of discrete living units within each bldg.
- Block 13 (K): To calculate this #: list each client served, in order of youngest client to oldest client; identify the client who is exactly one half (1/2) the way, down the list (i.e, the 50% ile); enter the age represented by that client into the space provided.
- Block 13 (L): List the ages of the youngest and oldest clients.
- Block 13 (M): Each day program site included in this number should be located off the grounds or campus of the ICF/MR. Any client going to this program should be scheduled to attend the program regularly (at least 3 hrs./day (2-5 days/wk.)). If the day program provides 2 or more programs at the same address, for purposes of this item, that day program should be considered one site.
- Block 14 (A-F): (Col. 1): Enter the # of disciplines that best describe the survey team's composition. If a surveyor has multiple areas of expertise (e.g. a nurse surveyor who may also be a dietitian), then each discipline of expertise should be included.
(H-N)
(Col. 2) Enter the # of disciplines represented on the team which also qualified as a QMRP (as per §483.430(a)(1)(2)(i)-(iii) and §483.430(b)(5) of the ICF/MR COPs).
- Block 14 (O): Specify the discipline, if not described in 14(A-N) above.
- Block 14 (P): Enter the # (regardless of multiple expertise).
- Block 14 (Q): Enter the # (regardless of multiple expertise).

- Block 15 (A-D): Enter the full time equivalents (FTEs) for each category listed. For 15A, include only those staff who provide direct care services to clients on their living units. Include direct care supervisors only if they are also responsible to provide direct care as part of their duties (see §483.430(d). For 15D, include all personnel, including the # of direct care & licensed nursing personnel. To determine FTEs: add the total # of hrs. worked the week prior to the survey by all employees identified in each category of 15 (A-D); divide this # by the # of hrs. in the standard work week. Express FTEs to the nearest quarter decimal (e.g., ".00", ".25", ".50", and ".75").
-
- Block 16 (A): Enter the # of these clients represented in the total sample (the Representative Sample of Clients and any other persons added to the sample for other reasons).
-
- Block 16 (B): Enter the # of sites visited, in which a Client Observation was completed.
-
- Block 17-26: CLIENT CHARACTERISTICS: Use the last date of the survey as the date by which age is determined. The term "Total #" refers to the # of ICF/MR clients fitting the characteristic listed. The term "%", refers to the percentage that that client characteristic represents within the total ICF/MR population.
-
- Blocks 17 (A-B): Enter the # of clients by sex, within each age group; the total.
-
- Block 18: Enter the # of clients within each age group, and the total. The total should equal the #s entered in 17 (A-B).
-
- Blocks 19 (A-C): Enter the # of clients by each characteristic requested;
20 (A-D): and the total.

Individuals with more than one disability are to be counted in every column that applies to them.

Use the following definitions:

Autism is a diagnosis whereby the individual exhibits: extreme forms of self-injurious, repetitive, aggressive, or withdrawal behaviors; extremely inadequate social relationships; or extreme language disturbances.

Cerebral Palsy is a diagnosed condition whereby: gross and fine movements and speech clarity of the individual may be impaired but performance of activities of daily living is functional; or, the individual is unable to perform adequately activities of daily living such as walking, using hands, or using speech for communication.

Mental retardation levels (mild, moderate, severe, and profound) are as described in the American Association on Mental Retardation's Manual on Terminology and Classification in Mental Retardation.

Nonambulatory means unable to walk independently.

Mobile nonambulatory means unable to walk independently, but able to move from place to place with the use of such devices as walkers, crutches, wheelchairs, and wheeled platforms.

Nonmobile means unable to move from place to place.

Epilepsy means a nervous disorder characterized by seizures of motor and sensory movements.

Hard of hearing means able to understand speech even with amplification.

Impaired vision means acuity of 20/70 or less in the better eye with correction.

Blind means corrected acuity of 20/200 or less in the better eye or visual field of 20 degrees or less.

Blocks 21-27: Enter the total # of ICF/MR clients who have the following care needs or characteristics and their %: Medical Care Plan (§483.450(a)(2)); Drugs to Control Behavior (§483.450(b)(1)(iv)(C)); Restraints (§483.450(b)(1)(iv)(B)); Time out rooms (§483.450(b)(1)(iv)(A)); Application of Painful or Noxious Stimuli (§483.450(b)(1)(iv)(D)); Attend Off-Campus Day Programs; Court ordered admissions; and the # over age 18 with a legally appointed guardian.

Blocks 29 (A-C): If the facility or the surveyors believe that a particular client or program characteristic that describes the population, has not been requested on this form, identify this "other" type of client characteristic, programs provided, etc., in the space provided. Enter the total #s of clients having this characteristic by age groups, total and %.

Part 3

CLIENT OBSERVATION WORKSHEET

Purpose: A worksheet to record observations.

General Instructions: Complete form for each observation.

Heading: Enter requested names, locations, codes, times and dates. Enter "client codes" only if clients in the sample are present.

Column 1 - Time: Space for entering time of discrete observation or consecutive time intervals.

Column 2 - Observation: The following types of observations should be included for each observation: number of clients; number of staff; and activity in progress.

APPENDIX J

INTERPRETIVE GUIDELINES AND SURVEY PROCEDURES
INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Rev

**Survey Procedures for Intermediate Care Facilities
for the Mentally Retarded (ICFs/MR)**

- I. Introduction
- II. Principal Focus of Surveys
- III. Task 1 - Representative Sample of Clients-Selection Methodology
- IV. Task 2 - Record Review of Clients in the Sample
- V. Task 3 - Direct Client Observations
- VI. Task 4 - Interviews
- VII. Task 5 - Drug Pass Observation
- VIII. Task 6 - Visit to Each Area of the Facility Serving Certified Clients
- IX. Task 7 - Team Assessment of Compliance and Formation of the Report of ICF/MR Deficiencies
- X. Additional Survey Report Documentation (For the File)

Rev.

J-1

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

SURVEYOR PROCEDURES FOR CONDUCTING SURVEYS OF ICFs/MR

I. INTRODUCTION

Since a facility may claim reimbursement only for the cost of care of clients classified for the ICF/MR level of care who are receiving active treatment, determine facility compliance with Conditions of Participation and with standards in the context of individual client experiences within the facility. Thus, when performing certification surveys to assess facility compliance, assess whether individuals are receiving needed active treatment services.

Approximately one-third of the ICF/MR facility regulations in 42 CFR 483, Subpart D, contain requirements about the development and implementation of active treatment services and the sufficiency and adequacy of staff to deliver them. These requirements are, in effect, detailed statements of what active treatment incorporates although their applicability varies depending on the needs of each individual client.

The definition of "active treatment in intermediate care facilities for the mentally retarded" in 42 CFR 435.1009 refers to treatment that meets the requirements specified in the standard for active treatment 42 CFR 483.440(a). The five components of the active treatment process most relevant to this survey methodology are:

A. Comprehensive Functional Assessment (42 CFR 483.440(c)(3)).--The client's interdisciplinary team must produce accurate, comprehensive functional assessment data that identify all of the clients: presenting problems and disabilities, and when possible their causes; specific developmental strengths; specific developmental and behavioral management needs; and need for services without regard to availability of those services.

B. Individual Program Plan (IPP) (42 CFR 483.440(c)(4)).--The client's interdisciplinary team must prepare an IPP for each client which identifies: the discrete, measurable, criteria-based objectives the client is to achieve; the timetables for expected mastery; and the specific individualized program of specialized and generic strategies and techniques to be employed. The IPP must be directed toward--the acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and the prevention or deceleration of regression or loss of current optimal functional status.

C. Program Implementation (42 CFR 483.440(d)).--Each client must receive a continuous active treatment program consisting of needed interventions and services in sufficient number and frequency to support the achievement of IPP objectives.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

D. Program Documentation (42 CFR 483.440(e)).--Accurate, systematic, behaviorally stated data about the client's performance toward meeting the criteria stated in IPP objectives serves as the basis for changes and revisions to the program, whenever necessary.

E. Program Monitoring and Change (42 CFR 483.440(f)).--At least annually, the comprehensive functional assessment of each client is reviewed by the client's interdisciplinary team for relevancy and updated, as needed and the IPP is revised, as appropriate.

The pages which follow describe how you should select a representative sample of client cases, conduct interviews and client observations in order to enable you to assess active treatment. No forms are required, however an optional client observation form is available to report on this specific activity. Instead, employ your findings, impressions and assessments of specific cases to develop summary assessments of the facility's compliance with each of the active treatment requirements in this Appendix. The individual case findings enable you to state by reference to actual instances what you find the facility does or does not do concerning each active treatment standard. In completing the Survey Report (HCFA 3070B) and the Statement of Deficiencies (HCFA 2567), you may cite what you have found the facility actually doing or not doing to furnish active treatment. Instructions for summarizing additional survey report data for the official file about observations and interviews conducted throughout the survey are included in Section X of this Appendix.

II. PRINCIPAL FOCUS OF SURVEYS

The principal focus of ICF/MR surveys should be on the "outcome" of the facility's implementation of ICF/MR requirements. In other words, surveyors should direct their principal attention to what actually happens for clients: how competently and effectively staff interact with clients, how physically well clients are, and how clean and pleasant the physical surroundings are.

In each ICF/MR survey, the surveyor should observe the following priorities:

A. Assess the delivery of active treatment services (including the comprehensive functional client assessment, interdisciplinary team program planning, individual program plan (IPP) implementation, documentation of each client's data-based responses to programs, and staff training necessary to implement client objectives) as outlined in this instruction. This ranks as the principal focus of the survey;

B. Assess client health care, nutrition, and protections (e.g., client rights, use of restraints, medications, fire safety);

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

C. Assess physical environment issues generally, with detailed surveys in areas where apparent problems exist.

III. TASK 1 - REPRESENTATIVE SAMPLE OF CLIENTS -- SELECTION METHODOLOGY

A. Purpose of the Sample.--The purpose of drawing a sample of clients from the facility is to reflect a proportionate representation of clients by the four functional levels (mild, moderate, severe, and profound mental retardation) as defined by the American Association on Mental Deficiency, Classification in Mental Retardation.

Since the sampling process results in survey team judgements, rather than quantitative, criteria-based projections, this process is not designed to be a statistically valid sample. The method to be followed should be applied with flexibility based on the prevailing developmental strengths and needs presented by the clients served by the facility. A statistically valid sample would not accommodate this need.

While the clients in the sample will be targeted for observation and interview, surveyors are to conduct each program audit of the client within the context of each of the environments in which the client lives, works, and spends major leisure time. Although, the surveyor focuses on the client, the behavior and interactions of all other clients and staff within those environments also contribute to the total context and conditions for active treatment. Therefore, other clients are included in the overall sample, as well.

As the sample is built, additional information about the facility's services and special client needs may emerge. If it is found that a disproportionate number of disabilities or needs are present within the facility's clients, it may be necessary to adjust or add to the program audit sample to ensure that the appropriate care and services are surveyed.

For example, if it is discovered that a significant percentage of individuals are non-ambulatory, and this characteristic has not been represented in the sample, additional clients should be added. Likewise, if during the course of observing Client A (a member of the sample), it is noted that Client B (who was not targeted for the sample) engages in a particular problematic behavior for which staff have not provided appropriate intervention, Client B should be added to the sample in order to probe further if needs are being addressed. The surveyor is left free by this methodology to add to the sample on a problem-oriented basis, or as dictated by client needs.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

B. Sample Size.--Calculate the size of the sample according to the following guidance :

<u>Number of Clients in Facility</u>	<u>Number of Clients in Sample</u>
Up to 16 ICF/MR clients	4
17 - 50 clients	8
51 - 100 clients	10
101 - 500 clients	10 percent
Over 500 clients	50

C. Sample Selection.--Do not allow the facility staff to select the sample.

o Facilities Serving 100 or fewer clients.--Draw a sample that evenly distributes the clients among buildings and functioning levels. This can usually be done by asking the staff to provide a full list of the clients with building location and functional level and simply choosing names.

o Facilities with over 100 clients.--:

1. Request a listing of all clients by overall functional (cognitive and adaptive) level (e.g., mild, moderate, severe, profound) and building location.
2. Determine the number of clients to be drawn based on the total clients from Section III A.
3. Determine the percentage occurrence of each functional level in the overall population (e.g., 12 percent mild; 24 percent moderate; 63 percent severe).
4. Determine the number of clients to be drawn in each functional category (for example, if the sample size is to be 50, and 12 percent of the clients have mild mental retardation, then $50 \times .12 = 6$ clients to be drawn in the sample who have mild mental retardation).
5. Draw the sample for each functional category. (Assume there are 60 with mild mental retardation, and 6 are to be sampled. Then divide 60 by 6 = 10, and every tenth client is drawn.) The interval of selection will vary with each functional category because there will be a different percentage occurrence at each functional level. Thus, assuming there are 16 clients with severe mental retardation and 4 are to be sampled, draw every fourth client name from the list of clients with severe mental retardation.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

6. Locate each of the selected clients' living units on a map of the campus to see if too many clients are concentrated in too few buildings. To provide a comprehensive look at the facility, drop some clients and add others in other buildings for a better distribution, but each client replacing an originally selected client must be of the same functional level.

D. Alternate Sampling Procedure.--Additional clients can be added to the sample for whatever reasons you feel important. In the rare situation in which the facility might be unable to produce the necessary data on which to draw the sample, the facility should draw a random sample, to the maximum extent possible, and supplement as described above.

E. Program Audit Approach.--To maximize the advantage of an interdisciplinary survey team, each member of the team is to be assigned an equitable number of clients from various living units (not from the same buildings) on which to focus during the survey. For each client, all applicable ICF/MR Conditions of Participation are to be assessed based on the client's need for that particular service to be provided, including but not limited to: active treatment, special behavior shaping strategies, health care, pharmacy services, dietary, etc. Each member of the team should share with each other salient data about findings relative to their assigned clients. Survey members should consult with one another on a regular basis during the survey, as necessary to maximize sharing of knowledge and competencies.

IV. TASK 2 - RECORD REVIEW OF CLIENTS IN THE SAMPLE

A. Introduction.--Do not spend an excessive amount of time looking at fine details of material in the record review of the selected sample. The purpose is to determine what the facility has committed itself to do for the client during the current IPP period and whether the IPP is being carried out. On the average, 30 - 45 minutes is ample time to review each record using the criteria above.

While the sample size and composition should be maintained, it is acceptable to review fewer numbers of client records (particularly with larger samples) if it is found that client records are highly similar and that the records reveal -- at least on paper -- that the comprehensive functional assessment, objectives, and services are being conducted and provided. However, if record reviews reveal serious problems and deficiencies, review the full sample.

B. The Individual Program Plan (IPP).--Identify the developmental, behavioral, and health objectives the facility has committed itself to accomplish during the current IPP period. Identify what, if any, behavioral strategies (e.g., behavior modification programs, use of psychotropics) are being used with clients.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

C. The Comprehensive Functional Assessment.--Identify the evaluative material (e.g., functional, standardized, and anecdotal assessments) from which the objectives are derived and determine whether the objectives adequately reflect the client's developmental strengths, needs, and need for services, regardless of availability. Determine what, if any, health or other problems might interfere with participation in program services.

D. Data Collection.--Compare the individual's data-based progress to the criteria specified in IPP objectives. Be especially sensitive to the types and amounts of data gathered and determine if they accurately reflect client performance. If the record does not reflect client progress, ask if staff know how clients are performing against the stated objectives. This type of finding is a critical part of the overall data used to make a decision about whether active treatment is being delivered.

E. Performing the Drug Regimen Review.--The purpose of the drug regimen review is to determine if the pharmacist has reviewed the drug regimen on a quarterly basis. Follow Part One of Appendix N, Surveyor Procedures for Pharmaceutical Requirements in Long Term Care Facilities. Fill in the appropriate boxes on the top left hand corner of the reverse side of the OIRR worksheet (HCFA-522). Appendix N lists many apparent drug irregularities that can occur. Learn these apparent irregularities so that you can identify pertinent drug therapy problems when you are reviewing the client's record. Review at least six different indicators on each survey. However, the same six indicators need not be reviewed on each survey.

NOTE If you detect irregularities and the documentation demonstrates that the pharmacist has notified the attending physician, do not cite a deficiency. Bring the irregularity to the attention of the physician or other facility official. Note the official's name and date of notification in the surveyor's notes.

F. Other Salient Information.--Early in the survey, review accident and incident logs and reports for any evidence that suggests clients are being abused, abusing each other, or are vulnerable to abuse and injury. If you discern patterns in these logs and reports that suggest abuse, follow up on the status and condition of these clients. Data that can be derived from an examination of these reports is important to cite in the event you find an immediate and serious threat to client health and safety. Use the Interpretive Guidelines and Additional Data Probes in this Appendix at §483.420(a)(5) for further guidance.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

V. TASK 3 - DIRECT CLIENT OBSERVATIONS

A. Purpose.--The objective of client observations is to determine if the necessary relationship between what the IPP says and what staff know and do with clients in both formal and informal settings throughout the day and evening is actually made. Thus, surveyors must be present when clients are present. Observe the individual sampled clients (at least one time in their home environment and once in their day programs). Be as neutral and unobtrusive as possible during all observations. To the extent possible, observe clients receiving programming in locations that are difficult to get to (e.g. off-campus, county school programs, etc.). Surveyors are to visit as many of these programs as possible. Early morning observations (wake up, toileting, etc.) and late afternoon and evening observations (e.g., dinner, evening activities, bathing -- 8:30 - 9:00 p.m.) are absolutely essential. Survey teams can conduct observations over this full timespan by altering the work day for various members (e.g., some work from 6:30 a.m. to 3:00 p.m., while others work from 1:00 p.m. to 9:30 p.m.), or by accumulating compensatory time. It is not appropriate to ask the facility to prevent clients from attending day programming or work or to call clients back simply to prevent surveyors from having to work at other than regular work times in order to see clients during the survey.

Surveyors should schedule their time so that they can observe special training programs addressed in the IPP that are critical to the clients' development. It is important to use observations to determine if client training is carried out consistently at all appropriate times through out the day (continuous active treatment). Observations of clients at meal times, communication with staff, toilet training, behavior interventions, etc. should reflect a consistent pattern of interaction with the client and demonstrate to the surveyor the staff's knowledge of the client and the clients' IPP. Observations should also be made of client training programs not represented by clients in the sample. See Section IX, for further guidance.

When observing clients in any of their day programs (including off-campus day programs), ascertain whether clients come to programs appropriately dressed (do they dress differently from clients living in their own home?), are their lunches adequate, are day program staff knowledgeable about medications that clients are taking and what are the possible side effects. This is also a good time to determine if the client is learning skills in the day programs, such as cooking, communication skills, etc., which the client should be encouraged to practice in the home environment.

B. Documentation.--A record should be made of all observations conducted by the surveyor. There are several methods for observing clients, (e.g., consecutive time intervals, focused observations of training, etc.) The optional client observations form (HCFA) may be used for this purpose. If the surveyor's behavior or presence has disrupted the activity being observed, wait five minutes before recording the observation. The following information should be recorded for each observation:

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

- A. Date and location of observation (beginning and ending)
- B. Time of each observation
- C. Number of clients in area
- D. Number of staff present
- E. What activity was in progress
- F. What materials were used
- G. What clients are doing (regardless of whether or not a scheduled activity was in progress)
- H. If possible, determination if IPP is being followed
- I. Client's level of engagement in the activity
- J. Presence of maladaptive behavior, and staff intervention, if any
- K. Any other salient information observed

C. Summary Judgement.--At the end of each observation, the surveyor should review the data probes identified in this Appendix at §483.440(a) regarding the competency of the interactions just observed. Record this information on the Optional Client Observations Worksheet (HCFA) or in the surveyor's notes.

VI. TASK 4 - INTERVIEWS

Interviews are conducted to secure information about compliance and only to the extent that further information, necessary to make compliance decisions, is not available through client observations. Interviews are conducted as part of the program audit approach and start with the client and the people most closely associated with the client's daily program implementation. Use the following hierarchy of "sources," to the maximum extent possible:

- A. Client
- B. Families or Legal Guardians
- C. Direct care staff
- D. QMRP and/or Professional staff
- E. Managers, Administrators, or Department Heads

In the absence of finding appropriate IPP implementation during observations, it may be necessary to judge whether or not staff are knowledgeable about client objectives and techniques for program implementation. Interview all levels of staff, optimally during the period of time immediately following the interval in which the client was observed with the particular staff member. (For example, if you have just observed Client A engaging in stereotypical behaviors referenced in Client A's IPP, ask: "Can you tell me what the behavior program is for Client A?") Ask questions that elicit information about how staff learn what to do with clients across the spectrum of caregiving and programming tasks they are expected to perform. Ask professional staff the same kinds of questions to see if they know how to implement programs for a client other than their own (e.g., how to carry through with a behavior program in the midst of communications training).

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Ascertain whether the staff persons are competent to carry out the client's IPP, whether there is evidence that programs are in fact being carried out over the clients' waking hours, and whether data are being taken to account for client performance against objectives. If staff cannot demonstrate the skills necessary to implement client programs, if plans are not being carried out, or if poor data or no data are being taken, then you have additional evidence that active treatment is not being delivered.

Record each interview conducted by the surveyor with clients, staff, consultants, off-grounds day program staff, client's guardian, etc. Include the following information in your notes for each interview:

- A. Job title and assignment at the ICF/MR
- B. Relationship to the client or reason for the interview
- C. Summary of the information obtained from the interview.

VII. TASK 5 - DRUG PASS OBSERVATION

The purpose of the drug pass observation is to observe the preparation and administration of medications to clients. With this approach, there is no doubt that the errors detected, if any, are errors in drug administration, not documentation. Follow the procedure in Part Two of Appendix N, Surveyor Procedures for Pharmaceutical Service Requirements in Long-Term Care Facilities, and complete the Drug Pass Worksheet (HCFA 522). Be as neutral and unobtrusive as possible during the drug pass observation. Whenever possible, select one surveyor to observe the drug pass of approximately 20 clients. In facilities where fewer than 20 clients are receiving medications, review as many clients receiving medications as possible. Clients selected for the in-depth review need not be included in the group chosen for the drug pass; however, their whole or partial inclusion is acceptable. In order to get a balanced view of a facility's practice, observe more than one person administering a drug pass, if feasible. This might involve observing the morning pass one day in one living unit, for example, and the morning pass the next day in another living unit.

If the facility's medication error rate (including both significant and nonsignificant errors) is 5 percent or more, or if you observe the occurrence of one significant error, this is evidence for deficiency under the Drug Administration Standard Section §483.460(k)(2). Transfer findings of deficiency noted on the "Drug Pass" worksheet and report the error rate under W368 on the SRF.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

VIII. TASK 6 - VISIT TO EACH AREA OF THE FACILITY SERVING CERTIFIED CLIENTS

A. Purpose.--By the end of the survey, the team must have visited each area of the facility serving certified clients in order to:

- o Insure that all areas of the facility (including those which are not represented by clients in the sample) are providing services in the manner required by the regulations
- o Assess physical environment requirements.
- o Assess that client rights are proactively asserted and protected.

B. Protocol.--After clients in the sample have been assigned to team members, review a map or building layout of the facility. Assign team members to visit each remaining residential and day program site prior to completion of the survey. Insure that each area of the facility has been visited by at least one team member. This visit may be done with or without facility staff accompanying you, as you prefer, and subject to their availability. Record your observations in your surveyor notes

Converse with clients, family members/significant others (if present), and staff, asking open-ended questions in order to confirm observations, obtain additional information, or corroborate information, e.g., accidents, odors, apparent inappropriate dress, adequacy and appropriateness of training activities. Observe staff interactions with other staff members as well as with clients for insight into matters such as client rights and staff responsibilities.

Always get permission before entering a room. If it is necessary to observe a treatment procedure, or to observe a client who is exposed, courteously ask permission from the client if she/he comprehends, or ask permission from the staff if the client cannot communicate. If you have an opportunity to observe a training activity, regardless of whether or not there is a client present from the sample, follow instructions listed in Section V. for recording observation findings.

IX. TASK 7 - TEAM ASSESSMENT OF COMPLIANCE AND FORMING THE DEFICIENCY STATEMENT

A. General.--The Survey Report Form will contain information about all negative findings of the survey. Transfer to the Survey Report Form all examples of evidence obtained from your observations, interviews, record reviews, drug pass observation, as well as salient data obtained from visiting remaining areas of the facility. Transfer only those findings which could possibly contribute to a determination that the facility is deficient in a certain area.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Meet as an entire team in a pre-exit conference to discuss the findings and make conclusions about the deficiencies, subject to additional information provided by facility officials. Review the summaries/conclusions from each task and decide whether further information and/or documentation is necessary to substantiate a deficiency. Ask the facility for additional information or clarification about particular findings, if necessary. Always consider information provided by the facility. If the facility considers as acceptable practices which you believe are not, have it backup its contention with suitable reference material or sources and submit them for your consideration.

B. Analysis.--Analyze the team's findings relative to each requirement for the degree of severity, frequency of occurrence and impact on delivery of active treatment or quality of life. The threshold at which the frequency of occurrences amounts to a deficiency varies from situation to situation. One occurrence directly related to a life-threatening or fatal outcome can be cited as a deficiency. On the other hand, a few sporadic occurrences may have so slight an impact on delivery of active treatment or quality of life that they do not warrant a deficiency citation.

C. Additional Indicators for Determining Compliance with Active Treatment.--

- o Appropriateness of Client Objectives.--If it can be identified in the record and in observation that the facility is focusing effectively and consistently on prioritized objectives for the clients in the sample, this indicates that the facility is at least trying to reach the needs of individual clients with individual programs. If you do not find a clear and consistent relationship between designated objectives and patterns of active treatment provided, look more intensely at professional services, staff shortages, in-service training, information management and dissemination systems, and administrative coordination activities. This does not mean that a client should have a specific number of objectives. What is important is that the objectives in the IPP, regardless of number, are well developed, rationalized, etc. and that the objectives evolve from comprehensive functional assessment data. For example, if a client is so severely behaviorally disordered as to be precluded from other programming, a principle objective to begin reduction of the maladaptive behavior may be appropriate, with other, positive program objectives added as the client responds to the single behavioral objective.
- o Adequacy of Behavior Management Approach.--If large numbers of clients are observed to be engaged in self-stimulatory, aggressive, and/or withdrawn behaviors and the direct care staff either do not know what to do or

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

the program they follow is not working, you may find that the client behaviors are interfering and limiting the availability of that client for learning, and the facility needs a systematic, aggressive approach to behavior management. Staff training issues, which are usually a major part of the breakdown in this area, constitute a major deficiency area that can be cited under numerous data tags (e.g., staff training, the IPP, management of inappropriate client behavior, program monitoring and change, active treatment).

- o Relatedness of Client Programs to Objectives.--Large numbers of clients whose programming consists of working puzzles, assembling nuts and bolts (and other similar assembly tasks), and "structured leisure," or other such terms, should prompt you to question what the developmental outcome of these activities is intended to be. Typically, these types of activities are simply "make-work" and are not developmentally targeted to meet an individual need. Often these same clients will have major self-care, communications, perceptual-motor, and behavioral needs that are not being attended to. Because a facility provides daytime activity does not mean that active treatment as required by the ICF/MR program is being provided.
- o Environmental Impediments to Active Treatment.--Building design, noise levels, light intensity, temperature and humidity may all have a direct and major impact on the behavior of the clients (and staff) and the ability of the facility to provide active treatment and the client to respond to it. Many times client behavior is induced by the overall ecology of the environment. If you feel the building is too noisy, too bright, etc., these points can be used as supportive documentation that the "active treatment" requirements for the facility are not met.
- o Appropriateness and Sensitivity of Staff Behavior.--Staff behavior toward clients affects in a major way how clients behave in return. In many instances, apparently inappropriate client behaviors are in fact adaptive considering how the staff behaves. You should see staff treating clients with respect, dignity, consistency, and individuality. Staff training inadequacies are often most evident in this area.
- o Adequacy of Staff.--Insufficient direct care and professional staffs can affect how well the facility addresses client needs across the developmental, behavioral and health spectrum. Do not attempt to determine how many additional professional staff persons would be satisfactory, or direct care staff persons if at least the minimum direct care staff ratios are met. If minimum direct care staff ratios are not met, specify how many are necessary to meet minimum required ratios. The facility is responsible for providing clients with needed services; how they meet that responsibility is up to the facility, not the surveyors.

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

D. Deficiencies Alleged by Staff or Clients.--If staff or clients allege deficiencies, but records, interviews, and observation fail to confirm them, it may be unlikely that a deficiency exists. Needed services that are confirmed by the survey to be in compliance with the regulatory requirements, but considered deficient by clients or staff, cannot be cited as deficient for certification purposes. On the other hand, if an allegation is of a very serious nature, e.g., client abuse, and record review and observation are not effective tools because the problem is concealed, obtain as much information as possible or necessary to ascertain compliance status, and cite accordingly. Clients, family, or former employees may be helpful for information gathering.

E. Team Assessment of Compliance.--During the pre-exit conference, the team shall review each survey tag number in Appendix J, and come to a consensus decision on whether or not the facility complies with each stated requirement. The team reviews all of the data collected by the surveyors during the course of the meeting. For each standard determined to be not met, the team is responsible to record all salient findings on the Survey Report Form. With the exception of the Life Safety Code Survey, compliance decisions are not to be made by individual surveyors.

F. Composing the Report of ICF/MR Deficiencies (HCFA _____).--Write the deficiency statement in terms specific enough to allow a reasonably knowledgeable person to understand the aspect(s) of the requirement(s) that is (are) not met. Do not delve into the facility's policies and procedures to determine or speculate on the root cause of a deficiency, or sift through various alternatives in an effort to prescribe an acceptable remedy. Indicate the data prefix tag and regulatory citation, followed by a summary of the deficiency and supporting findings using client identifier codes, not client names.

XI - ADDITIONAL SURVEY REPORT DOCUMENTATION (FOR THE FILE)

Upon the completion of each ICF/MR survey the following additional documentation is completed by the team leader or surveyor-in-charge and then this information remains at the Survey agency with the HCFA 3070B in the official file:

A. Summary listing of all ICF/MR clients comprising the survey sample (including any additional clients added to the sample).--At a minimum, identify:

- o The name or Medicaid number of each client chosen to be part of the sample;
- o Any client-identifier codes used as a reference to protect the clients' confidentiality; and

INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

- o The reason for including the client in the sample. (e.g., "Program Audit", "Discharge", "New Admission", "Death", "Abuse Investigation", "Drugs to Control Behavior, etc.). This listing serves as a future reference to any client identifiers recorded in the surveyors' notes, the HCFA 3070B, and the HCFA 2567.

B. Description of the Representative Sample Selection.--At a minimum this description should identify, at the time of the survey:

- o How the sample was selected;
- o What was the percentage occurrence of each functional level of mental retardation in the facility's overall population;
- o The distribution of the clients in the sample across the facility's living units;
- o The number of people in the sample;
- o The number of clients substituted in the sample, if any, and the reason; and
- o Any other client characteristic that was specifically introduced into the sampling process and the reason.

C. Summary of Client Observations.--At a minimum, this summary should identify:

- o How many direct observations were conducted for members of the representative sample;
- o How much of the total time spent observing members of the representative sample (e.g., hours, minutes) is recorded either on optional client observation worksheets (HCFA) or in the surveyors' notes;
- o How many direct observations were conducted for other clients of the facility; and
- o How much of the total time spent observing other clients of the facility (e.g., hours, minutes) is recorded either on optional client observation worksheets (HCFA) or in the surveyors' notes;

D. Summary of Interviews.--At a minimum this summary should identify how many interviews were conducted with clients, families, guardians, direct care staff, QMRPs, professional staff or consultants, administrators and managers, and others.

E. Drug Pass Worksheets (HCFA 522)

G. Other Facility Data Relevant to the Survey Findings.--At the discretion of the Survey Agency, other salient data used in support of the survey findings may be included with the HCFA 3070B (e.g., photographs, affidavits, etc.)

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 12, 1988.

Office of the Secretary

(Call Reports Clearance Officer on 202-245-6511 for copies of package.)

1. *Uniform Relocation and Real Property Acquisition Under Federal and Federally Assisted Programs—0990-0150*—HHS has adopted standard government-wide regulations on acquisition of real property and relocation of persons thereby displaced, (45 CFR Part 15 and 49 CFR Part 24). Federal agencies and state and local governments must maintain records and file reports as necessary to demonstrate compliance with these regulations. Respondents: State and local governments, Federal agencies and employees Number of Respondents: 5; Frequency of Response: 10; Estimated Annual Burden: 55 hours.

OMB Desk Officer: Shannah Koss-McCallum;

Health Care Financing Administration

(Call Reports Clearance Officer on 301-966-2088 for copies of package.)

1. *Laboratory Personnel Qualification Appraisal—0938-0049*—This form must be completed by personnel employed by independent laboratories certified by Medicare. It is submitted to the State agency surveyor who verifies that the laboratories personnel meet Federal regulatory standards. Respondents: Individuals or households, Small businesses or organizations; Number of Respondents: 3,000; Frequency of Response: 1; Estimated Annual Burden: 1,000 hours.

OMB Desk Officer: Allison Herron.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of package.)

National Institute for Health

1. *Avoidable Mortality From Cancers in Black Populations: Nurse-Delivered Intervention—New*—An educational intervention designed to affect black women's knowledge, attitudes and practices regarding breast and cervical cancer testing and screening will be

examined under three different conditions. The results will enable the NCI to make recommendations to its National Cancer Control Program to reduce the mortality from cancer by the year 2000. Respondents: Individuals or households; Number of Respondents: 5,318; Frequency of Response: Single-time collection; Estimated Annual Burden: 921 hours.

Health Resources and Services Administration

1. *Health Education Assistance Loan (HEAL) Program—Forms HRSA 502-182, HRSA 500-182, HRSA 512-0915-0043*—The information is essential for administering the HEAL program. The Repayment Schedule establishes the amounts, number, and due dates of payments. The Promissory Note provides the legal documentation of the loan. The Call Report enables the Department to monitor outstanding HEAL loans. Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions; Number of Respondents: 466; Frequency of Response: On occasion; Estimated Annual Burden: 28,196 hours.

OMB Desk Officer: Shannah Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100
HCFA: 301-966-2088
FSA: 202-245-0652
SSA: 301-965-4149
OS: 202-245-6511
OHDS: 202-472-4415

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn.: Shannah Koss-McCallum.

Date: August 22, 1988.

James V. Oberthaler,

Deputy Assistant Secretary, Information Resources Management.

[FR Doc. 88-19407 Filed 8-25-88; 8:45 am]

BILLING CODE 4150-04-M

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it

has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 12, 1988.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of package.)

Center for Disease Control

1. *Aids Prevention and Surveillance Reports—0920-0208*—Information and data gathered by recipients of AIDS cooperative agreements will be reported to CDC in narrative or summary statistical reports. Project activities include AIDS Surveillance, assessment of AIDS-related knowledge, attitudes and behavior, AIDS public information and education, counseling and HIV testing and special activities to reach minorities at risk. Respondents: State or local governments; Number of respondents: 64; Frequency of Response: Quarterly; Estimated Annual Burden: 896 hours.

Food and Drug Administration

1. *Medical Device Reporting—0910-0201*—This regulation requires a manufacturer or importer of medical devices to report to FDA whenever they possess information suggesting a device has caused or contributed to a death or serious injury, or has malfunctioned and is likely to cause or contribute to a death or serious injury. Importers are required to establish and maintain files or reports and records of this information.

Respondents: Business or other for-profit, Small businesses or organizations; Number of Respondents: 691; Frequency of Response: On occasion; Estimated Annual Burden: 71,112 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Social Security Administration

(Call Report Clearance Officer on 301-245-0652 for copies of package.)

1. *Federal Assistance—0960-0184*—The information collected by form SSA-96 is needed by the Social Security Administration to evaluate proposed Federal grants to eligible applicants. Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 150; Frequency of Response: On

occasion; Estimated Annual Burden: 2,100 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-1238 for copies of package.)

1. *Pro Reconsiderations and Appeals* in 42 CFR 473.18, 473.34, 473.36 and 473.42—0938-0443—These regulations contain procedures for PRO's to use in reconsideration of initial determinations. These sections contain reporting requirements on PRO's to provide data to parties requesting a reconsideration review. Respondents: Business or other for-profit, Small businesses or organizations; Number of Respondents: 54; Frequency of Response: On occasion; Estimated Annual Burden: 23,332 hours.

2. *Procedures for Determining Liability for Non-Covered Services*—42 CFR 405.334 and 405.336—0938-0465—HCFA requires that written notification of non-covered services be provided to beneficiaries, providers, practitioners and suppliers. The notification provides that knowledge that Medicare will not pay for these items or services mentioned in the notification. Respondents: Small businesses or organizations; Number of Respondents: 5,405; Frequency of Response: On occasion; Estimated Annual burden: 193,679 hours.

OMB Desk Officer: Allison Herron.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100
HCFA: 301-966-2088
FSA: 202-245-0652
SSA: 301-965-4149
OS: 202-245-6511
OHDS: 202-472-4415

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: Shannah Koss-McCallum.

Date: August 22, 1988.

James V. Oberthaler,
Deputy Assistant Secretary, Information
Resources Management.

[FR Doc. 88-19406 Filed 8-25-88; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

[Announcement No. 818]

Program Announcement and Availability of Fiscal Year 1988 Funds for a Cooperative Agreement To Develop a Comprehensive Model Plan for Use by the State Dental Public Health Programs Concerning Infection Control Procedures and Care of HIV Infected Patients

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 to assist in the development of a comprehensive model plan for use by the State dental public health programs in educating the dental community about Acquired Immunodeficiency Syndrome (AIDS) prevention, as it relates to infection control, and care of Human Immunodeficiency Virus (HIV) infected patients.

Authority

This project is authorized by section 301(a) of the Public Health Service Act [42 U.S.C. 241(a)], as amended. The Catalog of Federal Domestic Assistance Number is 13.283.

Eligibility

This is not a formal request for applications. Assistance will be provided only to the Public Health Foundation (PHF) for this project. No other applications will be solicited or will be accepted. The Public Health Foundation is a non-profit corporation which conducts research and data collection for the Association of State and Territorial Health Officers (ASTHO).

The Public Health Foundation provides design evaluation criteria and actually gathers data from State health departments for ASTHO and its constituents, like the Association of State and Territorial Dental Directors (ASTDD).

The constituents of ASTHO, State health departments, and ASTDD rely on the expertise of the Public Health Foundation in evaluation and statistical analysis. In addition, ASTHO has developed policies concerning AIDS for use by State health departments, which have been managed and facilitated by the Public Health Foundation. Because of already having developed and published 5 consensus policy documents, such as "Guide to Public Health Practice: State Health Agency Programmatic Responses to HTLV-III Infection," PHF have the working knowledge and understanding of the

impact of these plans and policies, as well as the essential established working relationships necessary to develop a comprehensive model plan for use by the State dental public health programs concerning AIDS prevention and HIV infection. The Public Health Foundation, as an organization established by ASTHO, is thereby uniquely qualified to develop this field response for dentistry as an adjunct to the existing developed AIDS prevention documents.

No other organization has the established relationship with State health departments and the existing staff capability and expertise which is necessary to carry out the project.

Background

State and local health agencies have a primary role in providing the response to AIDS prevention and HIV infection. Coordination of national, regional, State, and local AIDS prevention and infection control efforts must be maximized and facilitated.

Few cooperative efforts between the private and public sector of the dental community have occurred related to HIV infection and infection control. Moreover, when cooperative efforts have occurred, communication concerning the implementation or evaluation of these efforts has not been optimal. There have been numerous concerns in both the private and public sectors about HIV and the necessary infection control procedures to treat patients with HIV infection.

In the private sector, perceived risk of transmission of HIV has concerned many health care workers, including dental professionals, who have been reluctant to provide care for patients infected with HIV. As a result, State and local health agencies have been faced with the new challenge of educating the dental community concerning HIV/AIDS, and in the proper infection control procedures which can be used for treating all patients. The resources needed to meet these new challenges have, in many instances, been redirected into other AIDS crisis oriented infection control projects. Resources are essential if the State and local health agencies are expected to adequately respond to the AIDS issues in the private dental community.

Purpose and Objectives

The Public Health Foundation will organize a meeting of joint working groups of ASTHO and ASTDD to develop a comprehensive model plan for use by the State dental public health programs concerning AIDS prevention

and infection control and outline the responsibilities of the private and public sectors. Existing knowledge, attitudes, and practices (KAPs) survey data will be compiled about practices of dental health care workers in sterilization and disinfection of dental equipment and devices, and of dental health care workers and ongoing State health departments HIV/AIDS training activities. The plan will stress cooperation between the private and public sector in planning, implementing, and evaluating the dental public health programs and the programs for AIDS prevention and control. The plan, developed through a multidisciplinary review process, will be flexible to accommodate differences among States. The final plan will be distributed to State and local health departments, national and State dental societies and appropriate educational and training institutions.

CDC Activities

A. Collaborative in identifying appropriate organizations and agencies which should be considered in the coordination of a model comprehensive plan.

B. Provide available reference and background information concerning sterilization and disinfection.

C. Assist in evaluating the scientific data relative to the management of the care environment.

D. Collaborate in the development of the model plan.

E. Collaborate in identifying appropriate organizations and individuals, other than State health departments, to whom the document will be disseminated.

F. Assist in the development of model outcome objectives for training of practicing dentists.

Availability of Funds

During fiscal years 1988, approximately \$57,000 will be available to support this project. The cooperative agreement will be funded for one 9-month budget/project period. The funding estimate outlined above may vary and is subject to change.

Review and Evaluation Criteria

The application will be reviewed and evaluated on the following:

1. Extent to which the applicant provides complete, specific, and focused description of background and need and the rationale for developing a model plan for use by State dental public health programs for AIDS prevention and infection control;

2. Degree to which the applicant provides evidence of an ability to carry

out the proposed project and the extent to which the applicant institution documents demonstrated capability to achieve objectives similar to those of this project;

3. Extent to which professional personnel involved in this project are qualified, including evidence of past achievements appropriate to this project;

4. Degree to which proposed objectives are clearly stated, realistic, measurable, time-phased, and related to the purpose of this project; and

5. Adequacy of plans for administering the project.

Consideration will also be given to the extent to which the budget request is clearly explained, reasonable, and consistent with the purpose of the project.

Application Submission and Deadline

The original and two copies of the application form SF 424 must be submitted to Nancy C. Bridger, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, GA 30305, on or before September 9, 1988.

Other Submission and Review Requirements

Application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Where To Obtain Additional Information

Information regarding the business aspects of this project may be obtained from Marsha D. Driggins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, Georgia 30305, (404) 842-6575 or FTS 236-6575.

Announcement No. 818 entitled, "A Comprehensive Model Plan for Use by the State Dental Public Health Programs Concerning Infection Control Procedures and Care of HIV Infected Patients" must be referenced in all requests for information pertaining to this project. Information regarding technical aspects of this project may be obtained from Dr. Margaret Scarlett, Dental Disease Prevention Activity, Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639-1833 or FTS 236-1833.

Dated: August 22, 1988.

Robert L. Foster,
Acting Director, Office of Program Support
Centers for Disease Control.

[FR Doc. 88-19381 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-18-M

Second National Injury Control Conference

Action: Notice of conference—Second National Injury Control Conference.

Time and Date: 7:30 a.m.—5:00 p.m., September 15, 1988; 8:30 a.m.—5:10 p.m., September 16, 1988; 8:30 a.m.—12:00 noon, September 17, 1988.

Place: St. Anthony Inter-Continental Hotel, 300 East Travis, San Antonio, Texas.

Status: Open to public, limited only by the space available.

Matters to be Discussed: The Centers for Disease Control (CDC) is convening a conference entitled, "Second National Injury Control Conference," for citizens, injury researchers, State and local health officials, and other interested parties to provide a forum for the exchange of information on injury control activities and scientific research. The purposes of the conference are to recognize contributions to the injury control field, strengthen interdisciplinary coordination and collaboration, foster the development of injury control programs, and to identify strategies to address research and control program needs.

For Further Information Contact: Harvey F. Davis, Jr., Division of Injury Epidemiology and Control, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia 30333. Telephones: FTS: 236-4690, Commercial: (404) 454-4690.

Dated: August 22, 1988.

Elvin Hilyer,
Associate Director for Policy Coordination,
Centers for Disease Control.

[FR Doc. 88-19380 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 88F-0274]

Hoechst-Celanese, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hoechst-Celanese, Inc., has filed a petition proposing that the food additive regulations be amended to

provide for the safe use of sodium alkyl (C_{10} - C_{18}) mono- and disulfonates in polystyrene and rubber-modified polystyrene in contact with food.

FOR FURTHER INFORMATION CONTACT:

Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786 (21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B4097) has been filed by Hoechst-Celanese, Inc., Frankfurt, Germany, proposing that § 178.3130 *Antistatic and/or antifogging agents in food-packaging materials* (21 CFR 178.3130) and § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) be amended to provide for the safe use of sodium alkyl (C_{10} - C_{18}) mono- and disulfonates in polystyrene and rubber-modified polystyrene in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: August 17, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-19441 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88D-0219]

Guidance Document for the Preparation of Investigational Device Exemptions and Premarket Approval Applications for Intra-Articular Prosthetic Knee Ligament Devices; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance document entitled "Guidance Document for the Preparation of Investigational Device Exemptions and Premarket Approval Applications for Intra-articular Prosthetic Knee Ligament Devices" prepared by FDA's Center for Devices and Radiological Health (CDRH). The purpose of this document is to suggest to the device applicant or investigation

sponsor important preclinical and clinical tests that should be performed to generate data which will provide reasonable assurance of the safety and effectiveness of these devices for their intended purposes. Suggestions and recommendations written in the document reflect methodologies acceptable to CDRH. While use of this document to prepare preclinical and clinical protocols and to organize and analyze data will not ensure investigational device exemption (IDE) or premarket approval, it will ensure that appropriate tests are conducted and data are collected to enable FDA to determine whether or not an application is approvable. IDE or premarket approval can be expected to follow if tests are conducted properly, data are adequately analyzed and presented, and the test results support application approval.

ADDRESS: Written requests for copies of the guidance document to the Division of Small Manufacturers Assistance, Center for Devices and Radiological Health (HFZ-220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 800-638-2041, calls from within MD 301-443-6597.

FOR FURTHER INFORMATION CONTACT:

Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

SUPPLEMENTARY INFORMATION: The development of guidance document for intra-articular prosthetic knee ligament devices is based on the Division of Surgical and Rehabilitation Devices' (DSRD's) evaluation of numerous devices and the recognition of certain criteria on which to base the evaluation of these devices. FDA has recognized the need to develop evaluation criteria for prosthetic ligament devices since the early 1980's, when several manufacturers developed prosthetic ligament devices and requested approval to begin clinical studies. FDA staff members met with representatives of the Society of Sports Medicine in 1983 to discuss the status of prosthetic ligament research. Later that year, a meeting of the Orthopedic and Rehabilitation Devices Panel (the Panel) was held solely for the discussion of research, evaluation, and regulations of prosthetic ligament devices. DSRD staff initiated preparation of a guidance document in December 1985.

In May 1986, DSRD completed a first draft of the document containing preclinical and clinical test recommendations and suggestions for the preparation of IDE and premarket

approval applications. Panel review and discussion of the document was postponed so that the Panel's industry representative could obtain comments from his constituents. The Health Industry Manufacturers Association (HIMA) and the Orthopedic Surgical Manufacturers Association (OSMA) undertook the task of soliciting comments from industry. HIMA provided industry comments to DSRD shortly before the October 31, 1986, Panel meeting. At this meeting, industry representatives and Dr. Savio L-Y Woo, a professional noted for ligament research, provided comments in an open public session preceding the discussion of the document by the Panel.

As a result of the October 31, 1986, Panel meeting, two working groups were established by FDA, based on nominations from the Panel and industry: The Working Group for Evaluating Mechanical Test Recommendations and the Working Group for Evaluating Biological Test Recommendations. FDA selected Dr. Woo to be the chairman of the Mechanical Test Working Group consisting of a HIMA representative, an OSMA representative, two Panel members, and FDA representatives. The Biological Test Working Group consisted of a HIMA representative, an OSMA representative, and FDA representatives. The working groups reviewed draft document recommendations which were revised according to comments from Panel members, HIMA, and OSMA.

After meeting with both working groups, DSRD again revised the document and accepted further comments from the working groups. Panel members and consultants reviewed the final draft of the document at the Panel meeting held on May 7, 1987. The Orthopedic and Rehabilitation Devices Panel voted unanimously to adopt the document with several changes recommended by that Panel. The document now being made available to the public incorporates those changes.

The Panel and industry requested that the document be reviewed again in 1 year at a meeting of the Orthopedic and Rehabilitation Devices Panel. The document will be reviewed and, if necessary, revised every 2 years thereafter. The guidance document does not state regulatory requirements. It is intended as a scientific position paper, and suggests some evaluative criteria, test procedures, and end points that FDA believes to be important. Alternate approaches are acceptable for satisfying IDE and PMA requirements; however, it

must be demonstrated that alternate procedures are appropriate and adequate.

The guidance document is available for public examination in the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may, at any time, submit written comments regarding the guidance document to the Dockets Management Branch (address above). Such comments will be considered in determining whether further amendments to, or revisions in, the guidance document are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comment may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 18, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-19442 Filed 8-25-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88E-0269]

Determination of Regulatory Review Period for Purposes of Patent Extension; Sensor® Model Kelvin® 500 Unipolar Pulse Generator, Model K Endocardial Lead, Model 5000 Transceiver, and Model 50 Lead Tester (Sensor® Model Kelvin® 500)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for the Sensor® Model Kelvin® 500 and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrea E. Chamblee, Office of Health Affairs (HFY-20), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 158(g)(3)(B).

FDA recently approved for marketing a medical device known as the Sensor® Model Kelvin® 500 (exercise-responsive cardiac pacemaker) which is indicated for ventricular use in patients with third-degree A-V block, atrial flutter or fibrillation with slow ventricular response, sinus node dysfunction or sick sinus syndrome (including sinus bradycardia, sinus arrest and/or exit block), bradycardia-tachycardia syndrome, and second-degree block Mobitz Type II or trifascicular block. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for the Sensor® Model Kelvin® 500 (U.S. Patent No. 4,543,954) from the Purdue Research Foundation and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated July 25, 1988, advised the Patent and Trademark Office that the medical device had undergone a regulatory review period. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for the Sensor® Model Kelvin® 5-0 is 696 days. Of this time, 572 days occurred during the testing phase of the regulatory review period, while 124 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun:* June 5, 1986. FDA has verified the applicant's claim that the investigational device exemption (IDE G860081) for the device became effective on June 5, 1986.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act:* December 28, 1987. The applicant claims September 4, 1987, as the date of the product marketing application (PMA 870054) for the device became effective. However, FDA records indicate that PMA 870054 was not sufficiently complete to permit substantive review until December 28, 1987.

3. *The date of application was approved:* April 29, 1988. FDA has verified the applicant's claim that PMA 870054 was approved on April 29, 1988.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 412 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before October 25, 1988, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before February 21, 1989, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 19, 1988.

Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 88-19443 Filed 8-25-88; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Policy Development and Research

[Docket No. N-88-1818; FR-2524]

Lead-Based Paint Abatement Demonstration Program

AGENCY: Office of the Assistant
Secretary for Policy Development and
Research, HUD.

ACTION: Announcement of a Lead-Based
Paint Abatement Demonstration
Program.

SUMMARY: HUD is announcing a demonstration project to test, evaluate, and determine the cost-effectiveness of a number of methods for abating lead-based paint in residential properties. This demonstration project is one element in a broad program of research, development of regulations, and implementation of lead-based paint testing and abatement procedures mandated by section 566 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988 [42 U.S.C. 4822]) (The Act.)

ADDRESS: Organizations interested in being considered as the support contractor or for other related procurements should contact the Office of Procurement and Contracts, ATTN: ACR, Room 5256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, to be placed on the bidders' mailing lists for such procurements.

FOR FURTHER INFORMATION CONTACT: Ellis G. Goldman, Office of Policy Development and Research, (202) 755-5528, Room 8230, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

HUD last conducted research on issues involving lead-based paint in housing in the 1970's; in the intervening period, continuing research by others on the causes and extent of lead poisoning in children has shown that some abatement methods can actually increase the possibility of lead poisoning. Several new abatement

strategies have been suggested and some tested in limited programs; in addition, new materials have been developed for encapsulating paint and for removing existing paint.

As noted, this demonstration project is one element of a larger Departmental research and demonstration program which also includes examination and improvement of lead-based paint testing and detection technology; an estimate of the amount, characteristics, and regional distribution of housing in the United States containing lead-based paint; preparation of a comprehensive and workable plan for the inspection and abatement of privately owned housing; and the development of various technical guidelines to provide direction to future abatement efforts.

Regulatory Status

In 1986 and 1987, HUD revised its regulations on lead-based paint testing and abatement to comply with the decision in *Ashton v. Pierce*, 716 F.2d 56 (DC Cir. 1983), and to reflect advances in knowledge regarding the causes of elevated blood lead levels of children and in hazard detection and abatement techniques. HUD published revised regulations implementing section 566 of the Act on June 6, 1988 (53 FR 20790). Additional regulatory changes will be initiated after HUD conducts this demonstration.

Demonstration Concept

Section 566 requires, no later than 22 months after enactment of the Act, a report to the Congress on the findings and recommendations of a demonstration program of abatement techniques in HUD-owned single and multifamily housing. The demonstration program is to "utilize a sufficient variety of abatement methods in a sufficient number of areas and circumstances to demonstrate their relative cost-effectiveness and their applicability to various types of housing." Section 566 further specifies:

In preparing such report, the Secretary shall examine—

- (i) The most reliable technology available for detecting lead-based paint;
- (ii) The most efficient and cost-effective methods of abatement;
- (iii) Safety considerations in testing;
- (iv) The overall accuracy and reliability of laboratory testing of physical samples, X-ray fluorescence machines, and other available testing procedures;
- (v) Availability of qualified samplers and testers; and
- (vi) An estimate of the amount, characteristics, and regional distribution of housing in the United States that

contains lead-based paint hazards at differing levels of contamination.

The demonstration program, in accordance with the requirements of the Act, will be carried out in residential properties held by the Department in the name of the Secretary. The inventory of Secretary-held properties will be reviewed to select properties representative of housing types in various geographic regions suspected of having housing with lead-based paint. The final location of the demonstration projects will be determined on the basis of property availability and program technical requirements which will permit testing of known and promising abatement techniques on a broad range of materials and substrates. It is estimated that the demonstration program will involve approximately 200 housing units. The demonstration program is expected to begin in October 1988 and be completed in December 1989.

HUD will select a demonstration management support contractor through competitive procurement procedures. The support contractor will be expected to assist HUD in planning, managing, and carrying out the lead-based paint detection and abatement activities, and in collecting data on the demonstration program.

The proposed demonstration program will utilize approximately 20 promising methods and materials on approximately 30 substrates. The methods will include paint removal; encapsulation (or covering) of the painted surface; or replacement of the painted material, where costs and effectiveness can be documented and measured. The demonstration program also may involve some abatement methods currently not permitted in HUD's regulations, such as sanding and other abrasive removal methods, provided that appropriate safety measures can be implemented.

Selection of the abatement techniques to be tested and evaluated will be performed by HUD staff and HUD's demonstration management support contractor, with the assistance of information provided by the National Bureau of Standards (NBS) and the National Institute of Building Sciences (NIBS).

Other Information

The Catalog of Federal Domestic Assistance program number is 14.506, General Research and Technology Activity.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD

regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Authority: Sec. 566, Housing and Community Development Act of 1987 (Pub. L. 100-242); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: August 22, 1988.

Kenneth J. Beirne,

Assistant Secretary for Policy Development and Research.

[FR Doc. 88-19390 Filed 8-25-88; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-08-4212-17; CA 22649]

Emergency Area Closure; Riverside County, CA

Emergency Area Closure

The following order, affecting the S1/2SW1/4, Section 14, T. 8S., R. 8E., SBM., was issued on August 15, 1988.

I have determined that current use of this area is causing environmental degradation and is a serious threat to public health. This problem is the result of a number of people living in unauthorized sub-standard housing without sanitary facilities or a potable water supply.

In order to rectify this situation, I hereby order the above captioned public land closed to entry pursuant to 43 CFR 8364.1. Persons exempt from this order shall include law enforcement personnel and those persons engaged in retrieving personal property from the site, or those with other specific authorization. Any person who knowingly and willfully violates this closure may be subject to \$1000 fine and/or one year imprisonment.

This order shall remain in effect until further notice.

Date: August 19, 1988.

James W. Abbott,

Acting Area Manager.

[FR Doc. 88-19370 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-40-M

Bureau of Reclamation

Information Collection Submitted to the Office of Management and Budget for Review

The proposal for the collection of information reproduced below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). An expedited review has been requested in accordance with the Act, because of the need to implement this information collection before the beginning of the 1989 water year. Since allowing for the normal review period would adversely affect the public interest, approval has been requested by October 17, 1988.

Send comments regarding the burden estimate or any other aspect of this collection of information, including

suggestions for reducing this burden, to Mr. Terry P. Lynott, Assistant Commissioner for Resources Management, U.S. Bureau of Reclamation, Building 67, Denver Federal Center, Denver, CO 80225, and to the Office of Information and Regulatory Affairs, Attention: Interior Department Desk Officer, Office of Management and Budget, Washington, DC 20503.

Title: Certification and Reporting Summary Forms Required by the Reclamation Reform Act of 1982.

OMB Approval Number: 1006-0006.

Description: The proposed information collection requires irrigation district offices to summarize landholder certification and reporting forms using the summary forms described below. Irrigation districts must indicate on the summary form known errors, omissions and discrepancies in the landholders' forms.

Bureau Form Numbers: 7-1781A and 7-1781B.

Proposed Frequency of Response: Annually.

Description of Respondents: Contracting Organizations for Bureau of Reclamation Project Irrigation Water.

Estimated Number of Likely Respondents: 386.

Estimated Annual Responses: 386.

Annual Burden Hours: 15,440.

Estimated Average Burden Hours Per Response: 40.

Date: August 22, 1988.

C. Dale Duvall,

Commissioner, Bureau of Reclamation.

BILLING CODE 4310-09-M

7-1781A (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR COMPLETION OF
"DISTRICT SUMMARY OF CERTIFICATION FORMS," FORM 7-1781A

Form 7-1781A is to be used to summarize only certification (blue) forms. Reporting (brown) forms are to be summarized on Form 7-1781B.

For the purposes of this summary, the certification forms submitted by your landholders are divided into three general categories:

1. "Individual's Certificate Of Landholdings," Form 7-2180, and "Multiple Ownership Certificate of Landholdings," Form 7-2181
2. "Governmental Agency's Certificate of Landholdings," Form 7-2183
3. "Religious or Charitable Organization's Certificate of Landholdings," Form 7-2184

We have provided three kinds of tabulation sheets to help you in tallying the data on the landholders' certification forms, one kind for each of the three general categories. The first tabulation sheet is Form 7-1781A, sheet 2. It is to be used to tabulate individual and multiple ownership certification forms. Form 7-1781A, sheet 3, is to be used to tabulate "Governmental Agency's Certificate of Landholdings," and Form 7-1781A, sheet 4, is to be used to tabulate "Religious or Charitable Organization's Certificate of Landholdings."

We have attempted to design the summary form so that it will be easy for you to transcribe the pertinent data from the landholders' forms to the tabulation sheets, and from there to the summary form. Following is a step-by-step procedure to follow to complete the tabulation sheets and the summary form:

1. Start with six copies of Form 7-1781A, sheet 2, and one copy each of Form 7-1781A, sheet 3, and Form 7-1781A, sheet 4.

2. Regarding the six copies of Form 7-1781A, sheet 2, you should fill in the blanks in the title of each of the six copies according to the six acreage categories on the summary form (sheet 1). For example, one of the six forms should read "... Landholdings of Over 40 through 160 Acres ...," the next "... Landholdings of Over 160 through 320 Acres ..." and so on for each of the six forms.

3. Now you are ready to begin transcribing the data from the landholders' forms to the tabulation sheets. Obtain one landholder's certification form (or forms) and determine which of the eight tabulation sheets it applies to. If it is an "Individual's Certificate of Landholding," look to the "Total" column of line III.D.7 to determine which landholding size category the landholding belongs to. For "Multiple Ownership Certificate of Landholdings" look to the "Total" column of line IV.C.3 to determine which category it belongs to. (Information from the individual and multiple ownership forms should be tabulated on the same tabulation sheets (sheet 2) and reported without further distinction in the summary (sheet 1). If the landholder is a religious or charitable organization, or a Governmental agency, the data will be transcribed to the corresponding tabulation sheet, i.e., sheet 3 or 4.

4. If the form you have obtained is an "Individual's Certificate of Landholdings," start by entering the landholder's name in the left-hand column of the appropriate tabulation sheet. If either the landholder or the landholder's spouse has indicated nonresident alien status in section II.C, place a check () in the "N" column of the tabulation sheet. Then turn to section III.D of the landholder's form. If the landholder holds land in more than one district (i.e., if acreage appears in any of the "OTHER DISTRICTS" columns), place a check () in the "M" (multidistrict) column of the tabulation sheet. Enter the acreage from the "THIS DISTRICT" column of line D.1. in the column entitled "Irrigable and Irrigation Acreage Owned in this District." Then enter the acreage from the "THIS DISTRICT" column of line D.4 in the column entitled "Irrigable and Irrigation Acreage Leased From Others in This District." (Note: If the landholder has submitted Form 7-2185, "Leasing Change Form," since his/her last "Individual's Certificate of Landholdings" was submitted, the leased acreage totals must be modified accordingly.)

If the landholder has completed "Application for Designation of Nonexcess Land," Form 7-2188, enter the total excess acreage in this district from page 2 of that form to the tabulation sheet column entitled "Excess Acreage." Note that if the landholder has indicated ownership in more than one district, he or she may also have indicated excess landholdings in more than one district. Do not include excess landholdings outside of your district in the tabulation and summary sheets.

If the landholder has completed Form 7-2189, "Application for Selection of Non-Full-Cost Land," enter the total full-cost acreage in this district from the second section of page 2 of that form in the tabulation sheet column entitled "Full-Cost Acreage." Again, do not include full-cost acreage outside of your district in the tabulation and summary sheets.

5. If the form you have obtained is a "Multiple Ownership Certificate of Landholdings," again, start by entering the landowner's name in the left-hand column of the appropriate tabulation sheet. Then turn to section IV of the multiple ownership form. If the landholder has indicated holdings in any of the "OTHER DISTRICTS" columns, place a check () in the "M" (multidistrict) column of the tabulation sheet. Enter the acreage from the "THIS DISTRICT" column of line C.1 on the landholder's form in the "Irrigable and Irrigation Acreage Owned in This District" column of the tabulation sheet. Then enter the acreage from the "THIS DISTRICT" column of line C.2 of the landholder's form in the "Irrigable and Irrigation Acreage Leased From Others in This District" column of the tabulation sheet. (Note: If the landholder has submitted Form 7-2185, "Leasing Change Form," since its last certification form was submitted, the leased acreage totals must be modified accordingly.)

If the multiple ownership has completed an "Application for Designation of Nonexcess Land" form, or an "Application for Selection of Non-Full-Cost Land" form, proceed exactly as described under item 4 above for an individual landholding. Then proceed to the next form.

6. If the form you are working on is a "Governmental Agency's Certificate of Landholdings," enter the agency's name in the left-hand column of tabulation sheet 3. The total acreage shown in section II.A of the agency's form should be entered in the "Irrigable and Irrigation Acreage Owned, Not Leased to Other Parties" column of the tabulation sheet. The total acreage shown in section II.B of the agency's form should be entered in the "Irrigable and Irrigation Acreage Owned and Leased to Other Parties" column of the tabulation sheet.

7. If the form you are working on is a "Religious or Charitable Organization's Certificate of Landholdings," proceed exactly as you would on an "Individual's Certificate of Landholdings" form (except that you will enter the data on tabulation sheet 4).

8. When you fill a tabulation sheet, total the various columns. The total number of landholders on each page should be entered at the bottom of the left-hand column. For each other column, count the number of entries in that column and enter that number in the space labeled "Total Number." For example, there may be 25 landholders entered on a tabulation sheet, in which case the number "25" would be entered at the bottom of the left-hand column; but perhaps only 8 of those landholders own excess land. In that case, "8" would be written in the "Total Number" box at the bottom of the "Excess Acreage" column.

Use as many tabulation sheets for each category as necessary.

9. When you have entered all the data from the landholders' forms onto the tabulation sheets, transfer the column totals to the "Landholding Summary" on sheet 1. This process should be self-explanatory. Note that columns 8 and 9, both headed "Irrigable and Irrigation Acreage in this District Leased to Other Parties," apply only to Governmental agencies.

10. For the line on sheet 1 headed "Noncertifying Landholdings 40 Acres or Less," please estimate the number of landholders who have not reported because their total landholding is 40 acres or less, and note the approximate acreage in the "Owned Acreage" column. For the line headed "Other Noncertifying Landholdings," enter the number of noncertifying landholdings over 40 acres, and estimate the owned and leased acreage in the appropriate columns. Presumably, this will allow you to account for all the land in the district that is subject to the discretionary provisions of the RRA.

It is not necessary to complete the other columns in these two categories, unless you somehow have the appropriate data available.

11. Please remember that the information is to be reported on the summary form exactly as the landholders have reported it. However, the district has the responsibility to report known errors, omissions, and discrepancies in the landholders' forms to the Bureau, using the space provided on the back of sheet 1. The back of sheet 1 should be self-explanatory; any questions should be referred to the appropriate Bureau of Reclamation office. Use as many copies of sheet 1 as necessary.

12. The summary form must be signed and dated by an authorized district official.

13. The following items must be submitted to the Bureau of Reclamation:

- a. "District Summary of Certification Forms 19____," Form 7-1781A, Sheet 1
- b. Any additional Sheet 1's indicating any landholders that have failed to submit adequate certification forms or that have made errors, omissions, or discrepancies on their forms
- c. Copies of all certification forms completed by landholders which indicate landholdings in more than one district
- d. Copies of all certification forms completed by landholders which have submitted Form 7-2188, "Application for Designation of Nonexcess Land," or which otherwise indicate excess landownership
- e. Copies of all certification forms completed by landholders that have submitted Form 7-2189, "Application for Selection of Non-Full-Cost Land," or which otherwise indicate full-cost landholdings.

7-1781A (6-88)
Sheet 1
Bureau of Reclamation

DISTRICT SUMMARY OF CERTIFICATION FORMS 19										OMB Clearance No.: 1006-0006 Expiration Date:			
District Name										IDCON Number			
Project, Unit, and/or Division Name										District Acreage Subject to The Discretionary Provisions			
LANDHOLDING SUMMARY													
Landholding Size (Acres, in all districts)	Number of Landholders in Each Category			Irrigable and Irrigation Acreage Owned in This District		Irrigable and Irrigation Acreage in This District Leased From Other Parties		Irrigable and Irrigation Acreage in This District Leased To Other Parties		Excess Acreage		Full-Cost Acreage	
	Nonres. AI	Multidist.	All	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Over 40 Through 160	1	2	3	4	5	6	7	8	9	10	11	12	13
Over 160 Through 320													
Over 320 Through 640													
Over 640 Through 960													
Over 960 Through 1920													
Over 1920													
Subtotal													
Individual and Multiple Ownership													
Government Agencies													
Religious and Charitable Organizations													
Noncertifying Landholdings 40 Acres or Less													
Other Noncertifying Landholdings													
TOTAL													

I CERTIFY THAT THESE DATA ARE BASED ON LANDHOLDER'S CERTIFICATION FORMS AND ACCURATELY REPRESENT THE DATA SUBMITTED BY THE LANDHOLDERS. I FURTHER CERTIFY THAT ALL KNOWN ERRORS, OMISSIONS, AND DISCREPANCIES IN THE LANDHOLDERS' FORMS ARE LISTED ON THE REVERSE OF THIS SHEET.

Signature _____
Title _____
Date _____

Tabulation Sheet for Landholdings of Over _____ through _____ Acres
for "Individual's Certificate of Landholdings," Form 7-2180, and
"Multiple Ownership Certificate of Landholdings," Form 7-2181

Page _____ of _____

[illegible]

7-1721A (6-88)
Sheet 3
Bureau of Reclamation

Tabulation Sheet for "Governmental Agency's
Certificate of Landholdings," Form 7-2183

OMB CLEARANCE NO.: 1005-0006
EXPIRATION DATE:

Page _____ of _____

Agency Name

Irrigable and Irrigation Acreage
Owned, Not Leased
To Other Parties

Irrigable and Irrigation Acreage
Owned and Leased
To Other Parties

Total Number of Landholders
(On this page)

Total
Number

Total
Acres

Total
Number

Total
Acres

[illegible]

INSTRUCTIONS FOR COMPLETION OF
"DISTRICT SUMMARY OF REPORTING FORMS," FORM 7-1781B

For 7-1781B is to be used to summarize only reporting (brown) forms. Certification (blue) forms are to be summarized on Form 7-1781A.

For the purpose of this summary, the reporting forms submitted by your landholders are divided into three general categories:

1. "Individual's Report Of Landholdings," Form 7-2190 and "Multiple Ownership Report of Landholdings," Form 7-2191
2. "Governmental Agency's Report of Landholdings," Form 7-2193
3. "Religious or Charitable Organization's Report of Landholdings," Form 7-2194

We have provided three kinds of tabulation sheets to help you in tallying the data on the landholders' reporting forms, one kind for each of the three general categories. The first tabulation sheet is Form 7-1781B, sheet 2. It is to be used to tabulate individual and multiple ownership reporting forms. Form 7-1781B, sheet 3, is to be used to tabulate "Governmental Agency's Report of Landholdings," and Form 7-1781B, sheet 4, is to be used to tabulate "Religious or Charitable Organization's Report of Landholdings."

We have attempted to design the summary form so that it will be easy for you to transcribe the pertinent data from the landholders' forms to the tabulation sheets, and from there to the summary form. Following is a step-by-step procedure to follow to complete the tabulation sheets and the summary form:

1. Start with six copies of Form 7-1781B, sheet 2, and one copy each of Form 7-1781B, sheet 3, and Form 7-1781B, sheet 4.
2. Regarding the six copies of Form 7-1781B, sheet 2, you should fill in the blanks in the title of each of the six copies according to the six acreage categories on the summary form (sheet 1). For example, one of the six forms should read "... Landholdings of Over 40 through 160 Acres ...," the next "... Landholdings of Over 160 through 320 Acres ...," and so on for each of the six forms.
3. Now you are ready to begin transcribing the data from the landholders' forms to the tabulation sheets. Obtain one landholder's reporting form (or forms) and determine which of the eight tabulation sheets it applies to. If it is an "Individual's Report of Landholding," look to the "Total" column of line III.D.7 to determine which landholding size category the landholding belongs to. For "Multiple Ownership Report of Landholdings" look to the "Total" column of line IV.C.3 to determine which category it belongs to. (Information from the individual and multiple ownership forms should be tabulated on the same tabulation sheets (sheet 2) and reported without further distinction in the summary (sheet 1). If the landholder is a religious or charitable organization, or a Governmental agency, the data will be transcribed to the corresponding tabulation sheet; i.e., sheet 3 or 4.
4. If the form you have obtained is an "Individual's Report of Landholdings," start by entering the landholder's name in the left hand column of the appropriate tabulation sheet. Then turn to section III.D of the landholder's form. If the landholder holds land in more than one district (i.e., if acreage appears in any of the "OTHER DISTRICTS" columns), place a check () in the "M" (multidistrict) column of the tabulation sheet. Enter the acreage from the "THIS DISTRICT" column of line D.1. in the column entitled "Irrigable and Irrigation Acreage Owned in this District." Then enter the acreage from the "THIS DISTRICT" column of line D.4 in the column entitled "Irrigable and Irrigation Acreage Leased From Others in This District." (Note: If the landholder has submitted Form 7-2195, "Leasing Change Form," since his/her last "Individual's Report of Landholdings" was submitted, the leased acreage totals must be modified accordingly.)

If the landholder has completed "Application for Designation of Nonexcess Land," Form 7-2198, enter the total excess acreage in this district from page 2 of that form to the tabulation sheet column

entitled "Excess Acreage." Note that if the landholder has indicated ownership in more than one district, he or she may also have indicated excess landholdings in more than one district. Do not include excess landholdings outside of your district in the tabulation and summary sheets.

If the landholder has completed Form 7-2199, "Application for Selection of Non-Full-Cost Land," enter the total full-cost acreage in this district from the second section of page 2 of that form in the tabulation sheet column entitled "Full-Cost Acreage." Again, do not include full-cost acreage outside of your district in the tabulation and summary sheets.

5. If the form you have obtained is a "Multiple Ownership Report of Landholdings," again, start by entering the landowner's name in the left-hand column of the appropriate tabulation sheet. Then turn to section IV of the multiple ownership form. If the landholder has indicated holdings in any of the "OTHER DISTRICTS" columns, place a check () in the "M" (multidistrict) column of the tabulation sheet. Enter the acreage from the "THIS DISTRICT" column of line C.1 on the landholder's form in the "Irrigable and Irrigation Acreage Owned in This District" column of the tabulation sheet. Then enter the acreage from the "THIS DISTRICT" column of line C.2 of the landholder's form in the "Irrigation Acreage Leased From Others in This District" column of the tabulation sheet. (Note: If the landholder has submitted Form 7-2195, "Leasing Change Form," since its last reporting form was submitted, the leased acreage totals must be modified accordingly.)

If the multiple ownership has completed an "Application for Designation of Nonexcess Land" form, or an "Application for Selection of Non-Full-Cost Land" form, proceed exactly as described under item 4 above for an individual landholding. Then proceed to the next form.

6. If the form you are working on is a "Governmental Agency's Report of Landholdings," enter the agency's name in the left-hand column of tabulation sheet 3. The total acreage shown in section II.A of the agency's form should be entered in the "Irrigable and Irrigation Acreage Owned, Not Leased to Other Parties" column of the tabulation sheet. The total acreage shown in section II.B of the agency's form should be entered in the "Irrigable and Irrigation Acreage Owned and Leased to Other Parties" column of the tabulation sheet.

7. If the form you are working on is a "Religious or Charitable Organization's Report of Landholdings," proceed exactly as you would on an "Individual's Report of Landholdings" form (except that you will enter the data on tabulation sheet 4).

8. When you fill a tabulation sheet, total the various columns. The total number of landholders on each page should be entered at the bottom of the left-hand column. For each other column, count the number of entries in that column and enter that number in the space labeled "Total Number." For example, there may be 25 landholders entered on a tabulation sheet, in which case the number "25" would be entered at the bottom of the left-hand column; but perhaps only 8 of those landholders own excess land. In that case, "8" would be written in the "Total Number" box at the bottom of the "Excess Acreage" column.

Use as many tabulation sheets for each category as necessary.

9. When you have entered all the data from the landholders' forms onto the tabulation sheets, transfer the column totals to the "Landholding Summary" on sheet 1. This process should be self-explanatory. Note that columns 7 and 8, both headed "Irrigable and Irrigation Acreage in this District Leased to Other Parties," apply only to Governmental agencies.

10. For the line on sheet 1 headed "Nonreporting Landholdings 40 Acres or Less," please estimate the number of landholders who have not reported because their total landholding is 40 acres or less, and note the approximate acreage in the "Owned Acreage" column. For the line headed "Other Nonreporting Landholdings," enter the number of nonreporting landholdings over 40 acres, and estimate the owned and leased acreage in the appropriate columns. Presumably, this will allow you to account for all the land in the district that is subject to prior law. It is not necessary to complete the other columns in these two categories, unless you somehow have the appropriate data available.

11. Please remember that the information is to be reported on the summary form exactly as the landholders have reported it. However, the district has the responsibility to report known errors, omissions, and discrepancies in the landholders' forms to the Bureau, using the space provided on the back of sheet 1. The back of sheet 1 should be self-explanatory; any questions should be referred to the appropriate Bureau of Reclamation office. Use as many copies of sheet 1 as necessary.
12. The summary form must be signed and dated by an authorized district official.
13. The following items must be submitted to the Bureau of Reclamation:
 - a. "District Summary of Reporting Forms 19 ____, " Form 7-1781B, sheet 1
 - b. Any additional sheet 1's indicating any landholders that have failed to submit adequate certification forms or that have made errors, omissions, or discrepancies on their forms
 - c. Copies of all reporting forms completed by landholders which indicate landholdings in more than one district.
 - d. Copies of all reporting forms completed by landholders which have submitted Form 7-2198, "Application for Designation of Nonexcess Land," or which otherwise indicate excess landownership
 - e. Copies of all reporting forms completed by landholders that have submitted Form 7-2199, "Application for Selection of Non-Full-Cost Land," or which otherwise indicate full-cost landholdings.

7-1781B (6-88)
Sheet 1
Bureau of Reclamation

DISTRICT SUMMARY OF REPORTING FORMS 19____

OMB Clearance No.: 1006-0006

Expiration Date:

District Acreage Subject to
Acreage Limitation Law

IDCON Number

District Name

Project, Unit, and/or Division Name

LANDHOLDING SUMMARY

Landholding Size (Acres, in all districts)	Number of Landholders in Each Category		Irrigable and Irrigation Acreage Owned in This District		Irrigable and Irrigation Acreage in This District Leased From Other Parties		Irrigable and Irrigation Acreage in This District Leased To Other Parties		Excess Acreage		Full-Cost Acreage	
	Multidist. 1	All 2	Number 3	Acres 4	Number 5	Acres 6	Number 7	Acres 8	Number 9	Acres 10	Number 11	Acres 12
Over 40 Through 160												
Over 160 Through 320												
Over 320 Through 640												
Over 640 Through 960												
Over 960 Through 1920												
Over 1920												
Subtotal												
Government Agencies												
Religious and Charitable Organizations												
Nonreporting Landholdings 40 Acres or Less												
Other Nonreporting Landholdings												
TOTAL												

I ATTEST THAT THESE DATA ARE BASED ON LANDHOLDERS' REPORTING FORMS AND ACCURATELY REPRESENT THE DATA SUBMITTED BY THE LANDHOLDERS. I FURTHER ATTEST THAT ALL KNOWN ERRORS, OMISSIONS, AND DISCREPANCIES IN THE LANDHOLDERS' FORMS ARE LISTED ON THE REVERSE OF THIS SHEET.

Signature

Title

Date

[illegible]

Information Collection Submitted to the Office of Management and Budget for Review

The proposal for the collection of information reproduced below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). An expedited review has been requested in accordance with the Act, because of the need to implement this information collection before the beginning of the 1989 water year. Since allowing for the normal review period would adversely affect the public interest, approval has been requested by October 17, 1988.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Mr. Terry P. Lynott, Assistant Commissioner for Resources Management, U.S. Bureau of

Reclamation, Building 67, Denver Federal Center, Denver, CO 80225, and to the Office of Information and Regulatory Affairs, Attention: Interior Department Desk Officer, Office of Management and Budget, Washington, DC 20503.

Title: Individual Landholders' Certification and Reporting Forms Required by the Reclamation Reform Act of 1982.

OMB Approval Number: 1006-0005.

Description: The proposed information collection requires landholders to complete forms demonstrating their compliance with the acreage limitation provisions of Reclamation law. All landholders that own or lease more than 40 acres of land subject to these requirements must complete one or more of the forms listed below. The forms establish each landholder's status with respect to landownership limitations, full cost pricing thresholds, lease requirements,

and other provisions of Reclamation law.

Bureau Form Numbers: 7-2178 through 7-2181, 7-2183 through 7-2185, 7-2187 through 7-2191, 7-2193 through 7-2195, and 7-2197 through 7-2199.

Proposed Frequency of Response: Annually, and when landholding changes occur.

Description of Respondents: Owners and lessees of land on Federal Reclamation projects.

Estimated Number of Likely Respondents: 48,850.

Estimated Annual Responses: 56,610 (some respondents must complete more than one form).

Annual Burden Hours: 26,888.

Estimated Average Burden Hours Per Response: 0.47.

Date: August 22, 1988

C. Dale Duvall,
Commissioner, Bureau of Reclamation.

BILLING CODE 4310-09-M

7-2179A (8-88)
Bureau of Reclamation

GENERAL INSTRUCTIONS (For Certification Forms)

Use of this booklet. (repeated from cover)

Use this booklet only if you are subject to the discretionary provisions of the Reclamation Reform Act of 1982 (RRA). You are subject to the discretionary provisions if you have personally made an irrevocable election, or if you have directly owned or leased land in a district after that district conformed to the discretionary provisions of the RRA.

Please note that a part owner's or beneficiary's status is not automatically determined by the status of the entity in which he or she holds an interest. For example, if you own or lease land only indirectly through a legal entity that holds land in a district with a new or amended contract, you may choose whether you wish to be subject to the discretionary provisions or to prior Reclamation law. In that situation, you may indicate your choice by submitting a certification (blue) form if you wish to become subject to the discretionary provisions, or by submitting a reporting (brown) form if you wish to remain subject to prior law. If you choose to remain subject to prior law, do not use this booklet; instead, obtain a "Reporting Forms Booklet" from your irrigation district office. It is very important to note that if you submit a certification (blue) form to a district with a new or amended contract, you will be bound to the discretionary provisions permanently, and in all districts.

If you own or lease land only indirectly through a legal entity that is subject to the discretionary provisions by virtue of an irrevocable election, you are not subject to the discretionary provisions unless you personally make an irrevocable election.

Similarly, a legal entity's status under Reclamation law is not determined by the status of the entity's part owners or beneficiaries. For example, a corporation in a prior law district remains subject to prior law ownership limitations even if all of its stockholders become subject to the discretionary provisions. In that situation, the corporation itself must make an irrevocable election if it is to become subject to the discretionary provisions.

Who must complete these certification forms.

All persons, organizations, and Governmental agencies which own or lease irrigable or irrigation land and which are subject to the discretionary provisions must certify their landholdings. The only exceptions to this certification requirement are as follows:

1. Landholders whose total irrigable and irrigation land owned and leased, both directly and through entities, totals 40 acres or less westwide are exempt from certification requirements.
2. Landholdings in districts which are exempted from acreage limitation law by statute or by action of the Secretary of the Interior are exempt from certification requirements.
3. Landholdings in districts which are obligated to the United States only by a Small Reclamation Projects Act or Water Conservation and Utilization Act contract are exempt from these particular certification requirements.

When to certify.

If you are making an irrevocable election to become subject to the discretionary provisions, you must submit the necessary certification form(s) to the Bureau of Reclamation with your irrevocable election form. Copies of your irrevocable election and certification forms must also be filed with the appropriate irrigation district(s) at the same time. If you are subject to the discretionary provisions because a district in which you hold land has amended its contract with the United States, or has entered into a new contract with the United States, you must submit the necessary certification form(s) to the office of each irrigation district in which you hold irrigable or irrigation land by the date specified by each district. This date must always precede the initial delivery of irrigation water. Failure to certify will jeopardize the continued delivery of irrigation water.

After you complete your first certification, you will not need to complete basic certification forms again unless your landholding changes. If your ownership or leasing arrangements change in some way, you must notify your district office, either verbally or in writing, within 15 days of the change and submit new certification form(s) within 30 days of that change. If your ownership and leasing arrangements do not change, you will be required only to verify annually in writing that your most recently submitted certification form(s) remain valid. Your district office will send you a verification form to fill out each year.

Which forms to fill out.

If you have determined that you or your organization is subject to the discretionary provisions of the RRA, the next step is to decide which form or forms to fill out.

There are five forms in this booklet (two copies of each form). **MOST FARMERS AND LANDOWNERS, HOWEVER, NEED TO COMPLETE ONLY THE FIRST FORM, "INDIVIDUAL'S CERTIFICATE OF LANDHOLDINGS."** The following summaries will help you to determine which form or forms you need to complete.

1. Individuals and single families (see definition of "family" following these instructions) whose total holding of irrigable and irrigation land, both directly and through part ownership in entities, is greater than 40 acres westwide, must complete Form 7-2180, "Individual's Certificate of Landholdings." With the exception of trusts, all legal entities which are composed solely of an individual or a single family must complete Form 7-2180. Holdings of dependents must be included on their parents' or legal guardians' Form 7-2180; dependents may not complete separate forms. If you hold land in more than one name - for example, some land in your own name, and some land in the name of a family corporation - you must report all such land on one Form 7-2180. Part owners and beneficiaries of entities should not use Form 7-2180 unless they wish to become subject to the discretionary provisions. If such part owners and beneficiaries do not wish to become subject to the discretionary provisions, they must report their holding on Form 7-2190, "Individual's Report of Landholdings," which can be obtained from the appropriate irrigation district office.
2. All trusts, even if composed solely of members of a single family, (see definition of "family" following these instructions) and other legal entities such as corporations, partnerships, joint tenancies, and tenancies-in-common, that are not composed solely of members of a single family, must complete Form 7-2181, "Multiple Ownership Certificate of Landholdings." Entities that are composed of more than one family must complete Form 7-2181, even if the families are related.
3. If you are a lessee that has previously completed Form 7-2180, 7-2181, or 7-2184, and need to report a change in leaseholdings only, you may report those changes using Form 7-2185, "Leasing Change Form." Any changes in leases, including termination of existing agreements, must be reported by both the landowner and the lessee. By signing a lessee's Form 7-2185, an owner can satisfy the requirement to report changes in his/her farming arrangements.
4. If you own and/or lease land above certain thresholds, Forms 7-2180, 7-2181, and 7-2184 will direct you to complete Form 7-2188, "Application for Designation of Nonexcess Land," and/or Form 7-2189, "Application for Selection of Non-Full-Cost Land." These forms need not be completed unless the instructions for Forms 7-2180, 7-2181, or 7-2184 so indicate.

If the landholder is a governmental agency, or a religious or charitable organization, none of the forms listed above are to be used for certification. Such entities must contact their district offices to obtain the proper forms. Agencies of Federal, State, county, city, or other levels of government which hold more than 40 acres of irrigable and/or irrigation land westwide must submit Form 7-2183, "Governmental Agency's Certificate of Landholdings." Religious or charitable organizations which are exempt from taxation under section 501 of the Internal Revenue Code of 1954, and which hold more than 40 acres of irrigable and/or irrigation land westwide, must submit Form 7-2184, "Religious or Charitable Organization's Certificate of Landholdings."

Filling out the forms.

Once you have determined which form(s) you must complete, follow the instructions for completing that form carefully and complete the form(s). If you have questions, contact your district or Bureau of Reclamation office.

Be sure to break down land parcels as far as necessary to ensure accurate reporting. For example, a quarter section of land, half of which is operated by the owner, and half of which is operated by a lessee, should be listed as two separate 80-acre parcels.

On all forms, individuals and families must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of street addresses. Post office box numbers may be used only if no other address for the landholder exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address on the back of the form, or where indicated.

Any unauthorized alteration made to any certification form will render that form invalid.

If you are making an irrevocable election, return the signed certification form(s) with your irrevocable election form to the Bureau of Reclamation, and be sure to provide copies of these forms to the appropriate district(s). If you are not making an irrevocable election, return the signed certification form(s) to the office of each irrigation district in which you own or lease irrigable or irrigation land.

Please be aware that the completion of certification forms does not guarantee your land's eligibility for water. For example, excess land (see definitions) which has not been placed under recordable contract, and land acquired from excess status without price approval, is generally ineligible for irrigation water deliveries.

If you lease land to or from another individual or entity, please inform the lessees or lessors of their obligation to certify or report. If either the lessee or lessor fails to report, the eligibility of the land to receive irrigation water will be jeopardized.

It is recommended that you keep a copy of your certification form(s) for your own records.

DEFINITIONS

Following are the definitions of some of the terms used in these forms and instruction. Please refer to these definitions whenever the meaning of a term is not clear to you.

Contract operator: An individual or legal entity other than the owner, lessee, or sublessee that performs part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom the social security is paid. (See definition of "operator.")

Dependent: The term "dependent" means any natural person within the meaning of the term dependent in the Internal Revenue Code of 1954 (26 U.S.C. 152) as it may be amended from time to time. Landholdings of a person who is someone's dependent for income tax purposes must be reported as landholdings of the dependent's parent(s) or legal guardian(s).

Description: This refers to a legal description of the land in question, or a county assessor's parcel number if your district so requires. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2188 and 7-2189. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M." or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to section 203-208 of the Reclamation Reform Act of 1982, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

District or Irrigation district: Any entity which has a contract with the United States for the delivery of Reclamation project water. The term "district," as used in these forms, could refer to a canal company, irrigation company, water user association, ditch company, water company, drainage district, etc.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Excess land: Irrigable land, other than exempt land, owned by any landowner in excess of the maximum ownership limitation under the applicable provisions of Reclamation law.

Family: A married couple and their dependents. Non-dependent children are not considered part of the same family as their parents. Rather, each non-dependent child is considered a separate individual or, if married, a separate family.

Federal Employer's Identification Number (FEIN): A unique number assigned to businesses by the Internal Revenue Service.

Individual: A person, including his or her spouse, and their dependents. Under the discretionary provisions of the Reclamation Reform Act of 1982, and individual has exactly the same entitlement as a family (see definition of "family").

Irrevocable election: A legally binding decision by a landholder to conform to the discretionary provisions of the Reclamation Reform Act of 1982. An irrevocable election becomes official when a landholder submits an irrevocable election form to the Bureau of Reclamation. If an entire district elects to amend its contract to conform with the ownership entitlement and pricing provisions of the Reclamation Reform Act of 1982, all direct landholders in the district are automatically subject to these provisions without making an irrevocable election. A landholder is subject to prior law until either an irrevocable election is made or the district amends its contract to conform to the discretionary provisions of the Reclamation Reform Act of 1982.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can be, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities, are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under a lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*, and available for the Department of the Interior's inspection. See also definition of "term of lease."

Legal entity: Any business or property ownership arrangement established under State or Federal law including, but not limited to, corporations, partnerships, associations, joint tenancies, and tenancies-in-common.

Limited recipient: A legal entity established under State or Federal law benefiting more than 25 persons.

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to sections 209-230 of the Reclamation Reform Act of 1982. These provisions cover a wide range of topics and apply to all Reclamation districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator(s) of a given parcel may be the owner, a lessee, a sublessee, contract operator(s), or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limitation law.

Reclamation Reform Act of 1982: An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased acreage entitlement and full-cost pricing provisions of the new law. The new law also permits the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

Westwide: The 17 Western States in which Reclamation projects are located. Upon your request, the Bureau of Reclamation or your district can provide a list of all districts westwide which are subject to Reclamation law.

7-2180 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "INDIVIDUAL'S CERTIFICATE
OF LANDHOLDINGS," FORM 7-2180

PLEASE REVIEW THE GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM. THE GENERAL INSTRUCTIONS EXPLAIN THE USE OF THIS FORM, GIVE DEFINITIONS OF TERMS USED IN THIS FORM, AND PROVIDE OTHER ESSENTIAL INFORMATION.

If you own or lease land in more than one Reclamation project district, give all information pertaining to those holdings on this form. You must also complete and submit a certification form in each district in which you own or lease land, declaring all your landholdings each time you submit this form. If you wish, you may make copies of Sections II, III.A, III.B, and III.C of this form to turn in with the 7-2180 forms you submit to other irrigation districts, rather than rewriting these sections each time. If you need extra forms, please contact your district office.

If you determine, based on the General Instructions, that you must report the interest you hold in an entity or entities, you should obtain a copy of each entity's Form 7-2181, "Multiple Ownership Certificate of Landholdings," or Form 7-2191, "Multiple Ownership Report of Landholdings." By referring to the information contained on the entity's form, you can ensure that the information on entity landholdings which you report is both accurate and reliable. If such an entity (or entities) holds irrigable or irrigation land in more than one district, you must also certify in each of those districts.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Print the name of the district in which you are submitting this form. Print your name and social security number and, if you are married, your spouse's name and social security number. If you hold land in the name of an individual or husband/wife corporation (or other entity owned entirely by you, your spouse, and/or your dependents), print that name in the space marked "OTHER NAMES IN WHICH YOU, YOUR SPOUSE, AND/OR YOUR DEPENDENTS HOLD IRRIGABLE OR IRRIGATION LAND." Any other names in which irrigable or irrigation land is held, such as your dependents' names, maiden names, etc., must also be listed here.

Section II: The purpose of Section II is to determine whether you are subject to the discretionary provisions and if you should continue to complete this form. IF YOU ANSWER "NO" TO BOTH II.A AND II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

To answer question II.C, place a check in the box which indicates the correct citizenship status of yourself and your spouse. You must answer this question only if you hold land directly; if you hold land only indirectly as a part owner, stockholder, or beneficiary of a legal entity, you need not answer this question.

To answer question II.D, place a check in the box which indicates the landholder's dependency status under the Internal Revenue Code. If the answer is "yes," the landholder should be included on his/her parents' or legal guardians' Form 7-2180.

Section III: Use Section III.A to report all irrigable and irrigation land in which you, your spouse, and/or your dependents own a 100% interest. Use Section III.B to report all irrigable and irrigation land leased from other parties by you, your spouse, and/or your dependents, or by entities in which you, your spouse, and/or your dependents own a 100% interest. Use Section III.C to describe your interest as a part owner or beneficiary of an entity or entities which own or lease irrigable or irrigation land. Any such irrigable or irrigation land, whether within or outside of the district in which you are submitting this form, must be listed in Section III. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definitions of these terms located in the front of this booklet. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section III.A: In Column 1, give the name of the district in which the parcel you are describing is located. If you hold land in more than one district, grouping the parcels by district will make it easier for you to summarize your landholdings in Section III.D.

In Column 2, please provide a legal description accurate to the quarter section, or an assessor's parcel number if your district office so requires.

In Column 3, place a check in the box which indicates how each parcel is being operated.

In Column 4, give the name and address of the operator or lessee if the land is operated or leased by another party.

In Column 5, the effective date of an agreement is either the date the lease (or any other operation agreement) was entered into, or the effective date as specified in the agreement.

In Column 6, "Number of acres" of each parcel should be rounded to the nearest acre.

Section III.B: Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section III.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether you operate each parcel yourself, or whether another party operates the parcel.

Section III.C: In Column 1, print the name of the district in which the entity holds irrigable or irrigation land. It is recommended that all holdings of entities in one district be listed before starting with holdings in other districts. Grouping your listings "by district" rather than "by entity" will make it easier for you to complete the summary in Section III.D.

In Column 2, print the correct name of the entity(s) in which you, your spouse, and/or your dependents hold an interest. Do not include entities owned by or benefiting more than 25 persons if your interest is 4 percent or less, or amounts to 40 acres or less. If the entity has holdings in more than one district, you may need to enter the entity's name more than once.

In Columns 3 and 4, enter each entity's Federal Employer's Identification Number, if applicable, and check the box that most accurately describes the entity. The heading "DISCRETIONARY TRUST" refers to a trust that is subject to the discretionary provisions of the RRA; a corporation, partnership, joint tenancy, or any other entity subject to the discretionary provisions would fall under the heading "OTHER DISCRETIONARY." Similarly, the heading "PRIOR LAW CORPORATION" refers to a corporation that remains subject to prior law; all other prior law legal entities such as trusts, partnerships, etc., fall under the heading "OTHER PRIOR LAW."

In Columns 5 and 6, enter the number of irrigable and irrigation acres owned and leased by each entity in each district to the nearest acre. Note: In Columns 5 and 6, part owners leasing land to or from an entity in which they hold an interest may subtract any such acreage they have included as part of their own landholding in sections III.A and III.B. Such part owners must use footnotes to briefly explain these subtractions on the back of the form.

In Column 7, enter the percentage interest you, your spouse, and/or your dependents hold in each entity.

In Column 8, multiply the acreage from Column 5 by the percentage (in decimal form) from Column 7. For example, if Column 5 reads "160" (acres) and Column 7 reads "50" percent, the correct entry in Column 8 would be "80." Column 9 uses a similar procedure; in Column 9, multiply the acreage from Column 6 by the percentage in Column 7.

Section III.D: Acreages reported in Sections III.A, III.B, and III.C are totaled and summarized here. Columns are provided for up to five other districts in which you may hold irrigable or irrigation land.

Please note that if the "total" column of line D.3 exceeds 960 acres, or if you own any excess land, you must submit Form 7-2188, "Application for Designation of Nonexcess Land" with this form.

If the "total" column of line D.6 is greater than zero, and if the "total" column of line D.7 exceeds 960 acres, you must submit Form 7-2189, "Application for Selection of Non-Full-Cost Land" with this form. If both of these conditions are not present, Form 7-2189 need not be completed.

Section IV: The street address or rural route number of your residence is required. Attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable as residential addresses. Post office box numbers may be used only if no other address exists. If your mailing address differs from your residential address, it is also required; please enter the mailing address on the back of the form. The remainder of this section is self-explanatory. Please read it carefully and sign it. The statements concerning the reporting of changes in information, the rent paid on irrigation land, written leases, the terms of such leases, and holdings of spouses and dependents are requirements of Reclamation law.

ANY QUESTIONS YOU MAY HAVE SHOULD BE ADDRESSED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

FOR DISTRICT USE ONLY: IDCON NO.

[illegible]

[illegible]

Total Acres

2. List all entities in which you, your spouse, and/or your dependents hold a part (less than 100 percent) interest, and which own or lease irrigable or irrigation land, as defined in the front of this booklet. You need not include entities which are owned by or benefit more than 25 individuals, provided the interest you, your spouse, and/or your dependents hold is 4 percent or less, or amounts to 40 acres or less. Group your listings by district in order to make it easier to summarize your holdings in section III.D. If a listed entity holds irrigable or irrigation land in more than one district, it will be necessary to enter the entity's name on more than one line.

[illegible]

SECTION III: LANDHOLDINGS (Continued)					
D. Landholding Summary	This District	Number of Acres			Total
		Other Districts			
1. Enter the total number of irrigable and irrigation acres owned (from Section III.A).					
2. Enter the total number of irrigable and irrigation acres owned through entities (if any) as reported in Section III.C, Column 8.					
3. Total irrigable and irrigation acreage owned (add lines D.1 and D.2).					
4. Enter the total number of irrigable and irrigation acres leased (from Section III.B).					
5. Enter the total number of irrigable and irrigation acres leased through entities (if any) as reported in section III.C, Column 9.					
6. Total irrigable and irrigation acreage leased (add lines D.4 and D.5).					
7. Total irrigable and irrigation acreage owned and leased (add lines D.3 and D.6).					
If the "Total" column of line D.3 exceeds 960 acres, or if you own any excess land, you must complete form 7-2188, "APPLICATION FOR DESIGNATION OF NON-EXCESS LAND."					
If the "Total" column of line D.6 is greater than zero, and if the "Total" column of line D.7 exceeds 960 acres, you must complete Form 7-2189, "APPLICATION FOR SELECTION OF NON-FULL-COST LAND." Form 7-2189 must also be completed if you own land subject to an extended recordable contract.					

SECTION IV: SIGNATURE	
<p>Attention: This certificate must be signed. Read the following paragraphs before signing.</p> <p>Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.</p> <p>I (we) certify that the information provided herein is true, accurate, and complete to the best of my (our) knowledge and agree that any change in the information contained in this report will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I (we) further certify that, in my (our) best judgment, the rent paid on any land leased by or from me (us) which is receiving irrigation water, reflects the reasonable value of the irrigation water to the productivity of the land. I (we) also certify that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years. I (we) further certify that all irrigable and irrigation landholdings of both spouses and any dependents (if applicable), whether held directly or through entities, have been reported on this form.</p>	<p>Landholder's Signature _____ Spouse's Signature _____</p> <p>Landholder's Residential Street Address or Rural Route Number _____</p> <p>City and State _____ Zip Code _____</p> <p>Telephone Number (include area code) _____ Date _____</p> <p>This certificate is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained in this certificate is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).</p> <p>Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.</p>

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

7-2181 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "MULTIPLE OWNERSHIP CERTIFICATE
OF LANDHOLDINGS," FORM 7-2181

PLEASE REVIEW THE GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM. THE GENERAL INSTRUCTIONS EXPLAIN THE USE OF THIS FORM, GIVE DEFINITIONS OF TERMS USED IN THIS FORM, AND PROVIDE OTHER ESSENTIAL INFORMATION.

All irrigable and irrigation landholdings of the entity completing this form, including landholdings in other Reclamation project districts, must be included on this form.

Each entity must submit a completed Form 7-2181, "Multiple Ownership Certificate of Landholdings" in each district in which it holds irrigable or irrigation land, either directly or through subsidiaries. If desired, Sections II, III, IV.A, and IV.B may be copied and submitted with the 7-2181 forms submitted in other districts, rather than rewriting these sections each time. If extra forms are needed, please contact your district office.

Holdings of subsidiaries are counted against the entitlement of the parent entity. Therefore, this form must be completed by the ultimate parent entity and must fully disclose the identity and landholdings of each subsidiary. In the case where a corporation which holds irrigable or irrigation land is owned by more than one other corporation, describe the ownership of the corporation(s) in detail on a separate sheet. Submit that sheet with this certificate, and fill out this certificate as completely as possible.

If the certifying entity is a trust, please note the special instructions for trusts on the reverse side of this page.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Enter the name of the district in which you are submitting the form, and check the box that best identifies the landholder's entity type. The landholder name(s) should be the name(s) in which the land is owned or leased, unless the landholder is a subsidiary of another entity. In that case, the parent entity's name should be given as the landholder, and the subsidiary's name should appear on the lines provided. Indicate the State or States in which the landholder entity is established or registered, and the entity's Federal Employer's Identification Number (FEIN). The FEIN is required if one exists for the entity. Enter the names and addresses of any subsidiaries that own or lease irrigable or irrigation land. Finally, trusts must enter the names of all the trust's grantors.

Section II: The purpose of questions II.A and II.B is to determine whether the entity is subject to the discretionary provisions and if you should continue to complete this form. Please note that irrevocable elections by an entity's part owners or beneficiaries do not bind the entity and are therefore not the equivalent to an irrevocable election by the entity. IF YOU ANSWER "NO" TO BOTH II.A AND II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

Questions II.C and II.D - These questions must be answered by all trusts. Check the appropriate boxes.

Question II.E - A limited recipient is an entity owned by or benefiting more than 25 persons. A limited recipient's non-full-cost entitlement is determined by whether or not it received Federal Reclamation project water on or before October 1, 1981. An entity owned by or benefiting 25 or fewer persons does not need to answer this question.

Section III: Qualified recipients (entities owned by or benefiting 25 or fewer persons) must identify all part owners or beneficiaries. Limited recipients (entities owned by or benefiting more than 25 persons) must identify only those part owners or beneficiaries who hold an interest greater than 4 percent in the entity, and whose interest amounts to more than 40 acres. If the entity is a limited recipient, and none of the part owners or beneficiaries holds an interest in the entity greater than 4 percent or amounting to more than 40 acres, skip the remainder of Section III and proceed to Section IV.

All persons identified in Section III must complete either Form 7-2180, "Individual's Certificate of Landholdings," or Form 7-2190, "Individual's Report of Landholdings," unless the part owner or

beneficiary's total holding of irrigable and irrigation land westwide, both directly and through entities, is 40 acres or less. The part owner or beneficiary must determine which of Forms 7-2180 or 7-2190 to complete based on his or her status under Reclamation law. If subject to the discretionary provisions of the RRA, the part owner or beneficiary should use Form 7-2180; if subject to prior law, he or she should use Form 7-2190. THE ENTITY COMPLETING THIS FORM SHOULD INFORM ALL PERSONS IDENTIFIED IN SECTION III OF THEIR OBLIGATION TO CERTIFY OR REPORT IN ORDER TO PROTECT THE LAND'S ELIGIBILITY TO RECEIVE IRRIGATION WATER.

Section IV: Use Section IV.A to report the entity's landownership; use Section IV.B to report land leased by the entity from other parties. Any irrigable and irrigation land owned or leased by the entity, whether within or outside of the district in which this form is being submitted, must be described here. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definitions of these terms located in the front of this booklet. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section IV.A: In Column 1, give the name of the district in which the parcel being described is located. If the entity holds land in more than one district, grouping the parcels by district will make it easier to summarize the entity's landholdings in Section IV.C.

In Column 2, provide a legal description accurate to the quarter section, or an assessor's parcel number if your district office so requires.

In Column 3, place a check in the box which indicates how each parcel is being operated.

In Column 4, give the name and address of the operator or lessee if the land is operated by another party.

In Column 5, the effective date of an agreement is either the date the lease (or any other operation agreement) was entered into, or the effective date as specified in the agreement.

In Column 6, "Number of acres" of each parcel should be rounded to the nearest acre.

Section IV.B: Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section IV.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether you operate the parcel yourself, or whether another party operates the parcel.

Section IV.C: Acreages reported in Sections IV.A and IV.B are summarized here. If the "Total" column of line C.1 exceeds 960 acres (640 acres for a limited recipient), or if the entity owns any excess land, you must complete Form 7-2188, "Application for Designation of Nonexcess Land."

Qualified recipient entities must complete Form 7-2189, "Application for Selection of Non-Full-Cost Land" if the "total" column of line C.2 exceeds zero and if the "Total" column of line C.3 exceeds 960 acres. Form 7-2189 must also be completed if the entity owns land subject to an extended recordable contract.

Limited recipient entities whose first delivery of Reclamation project irrigation water took place on or before October 1, 1981 (refer to Section II.E) must complete Form 7-2189 if the "total" column of line C.3 exceeds 320 acres. If such entities' first delivery of Reclamation project irrigation water took place after October 1, 1981, Form 7-2189 must be completed in all cases, because all landholdings of such entities are subject to full-cost pricing.

Any limited recipient entity that owns land subject to an extended recordable contract must complete Form 7-2189.

Section V: Note that if the entity is a joint tenancy or tenancy-in-common, all tenants or cotenants must sign the form unless they have provided a written authorization allowing one person to sign for the entity. Also, please note that the entity must give its street address or rural route number. Post office box numbers, attorneys' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. A post office box number may be entered only if no other address for the entity exists. If the mailing address differs from the street address, it is also required; please enter the mailing address on the back of the form. The remainder of this section is self-explanatory. Please read it carefully and sign it. The statements concerning the reporting of changes in information, the rent paid on irrigation land, written leases, and the terms of such leases, are requirements of Reclamation law.

SPECIAL INSTRUCTION FOR TRUSTS: Because the acreage entitlements for trusts are entirely dependent upon the number of beneficiaries and their individual entitlements, trusts should use the following procedure to determine whether it is necessary to complete Forms 7-2188 and 7-2189:

On a separate sheet of paper, list each beneficiary identified in Section III of this form and give each beneficiary's status (i.e., qualified recipient or prior law). Also give the number of owned and leased irrigable and irrigation acres which are attributable to the interest held by each beneficiary. Unless you are completely familiar with acreage limitation law, you should work with your district to determine whether each beneficiary is within his or her ownership and non-full-cost entitlements, and whether it is necessary for the trust to complete Forms 7-2188 and 7-2189. Copies of these papers and computations must be filed in the district office with the trust's certification forms. Remember that in most cases, each part owner or beneficiary identified in Section III of Form 7-2181 must submit either Form 7-2180, "Individual's Certificate of Landholdings," or Form 7-2190, "Individual's Report of Landholdings," depending on his or her status and total westwide holding.

ANY QUESTIONS YOU MAY HAVE SHOULD BE ADDRESSED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

PLEASE FOLLOW THE INSTRUCTIONS
CAREFULLY WHEN COMPLETING THIS FORM.
(Attach additional pages if necessary)

For District Use Only: IDCON NO.

MULTIPLE OWNERSHIP CERTIFICATE OF LANDHOLDINGS Required by the Reclamation Reform Act of 1982		FORM 7-2181	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:
SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION			
A. District Name	C. Landholder Name(s)	F. Identification of subsidiaries which hold all or a portion of the irrigation land listed herein.	Subsidiary Address(es)
B. Type of Entity (Check one) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Tenancy or Tenancy-in-Common <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe)	D. State(s) in which landholder is established or registered (if applicable)	Subsidiary Name(s)	
E. Federal employer's identification number (FEIN) (if applicable)		G. Trusts only - enter grantor name(s)	
SECTION II: LANDHOLDER STATUS			
A. Has the district named above, or any other district in which this entity has ever owned or leased irrigation land, amended its contract with the United States to conform to the discretionary provisions of the Reclamation Reform Act of 1982, or entered into a new contract with the United States after October 12, 1982? (if you do not know, please ask a district official)			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
B. Has this entity made an irrevocable election to conform to the discretionary provisions of the Reclamation Reform Act of 1982?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
F YOU ANSWERED "NO" TO BOTH IIA AND IIB, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.			
C. (Trusts only) Is the trust revocable at the discretion of the grantor in such a manner that revocation results in the title to the trusted land reverting either directly or indirectly to the grantor?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
D. (Trusts only) Is the trust revoked or terminated by its terms upon the expiration of a specified period of time in such a manner that revocation or termination results in the title to the trusted land reverting either directly or indirectly to the grantor?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
F YOU ANSWERED "YES" TO EITHER QUESTION IIC OR IID, THE TRUSTED LAND MUST BE ATTRIBUTED TO THE GRANTOR(S) NAMED ABOVE. PLEASE REFER TO THE INSTRUCTIONS FOR THIS SECTION.			
E. (Limited recipients only) Did this entity receive Federal Reclamation project water on or before October 1, 1981?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
SECTION III: PART OWNER/BENEFICIARY/GRANTOR ATTRIBUTION			
A. Is this entity owned by, or does it benefit, 25 or fewer persons?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
B. Do any of the owners or beneficiaries, or grantors to whom trusted land is attributable, hold an interest greater than 4 percent in this entity which amounts to more than 40 acres through attribution?			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
C. If the answers to both IIA and IIB above are "no," skip the remainder of this section and proceed to section IV. If the entity has more than 25 owners or beneficiaries, or grantors to whom trusted land is attributable, any such person whose interest in the entity results in an attribution of more than 40 acres, and whose interest in the entity exceeds 4 percent, must be identified here, if there are 25 or fewer owners or beneficiaries, or grantors to whom trusted land is attributable, all such persons must be identified here, regardless of their interest. All persons identified here must complete and submit either form 7-2180, "INDIVIDUAL'S CERTIFICATE OF LANDHOLDINGS," or Form 7-2190, "INDIVIDUAL'S REPORT OF LANDHOLDINGS," unless they directly and/or indirectly own and/or lease 40 acres or less westwide. (Attach additional pages if necessary.)			
Part Owner, Beneficiary, or Grantor Name		Social Security Number	Percentage of Interest Held

SECTION IV: LANDHOLDINGS (Continued)			
C. Landholding Summary	Number of Acres		
	This District	Other Districts	Total
1. Enter the total number of irrigable and irrigation acres owned (From section IV.A).			
2. Enter the total number of irrigable and irrigation acres leased (from section IV.B).			
3. Total irrigable and irrigation acreage owned and leased (add lines C.1 and C.2).			

PLEASE REFER TO THE INSTRUCTIONS FOR SECTION IV.C TO DETERMINE IF IT IS NECESSARY TO COMPLETE FORM 7-2188 OR FORM 7-2189.

SECTION V: SIGNATURE	
<p>Attention: This declaration must be signed by an officer or authorized agent of the entity to which this form applies. If the entity is a partnership, joint tenancy, or tenancy-in-common, all partners, tenants, or co-tenants must sign this form unless they have authorized, in writing, another person or persons to sign for them. All part owners and beneficiaries identified in section III must submit either Form 7-2180, "INDIVIDUAL'S CERTIFICATE OF LANDHOLDINGS", or Form 7-2190, "INDIVIDUAL'S REPORT OF LANDHOLDINGS" if they own and/or lease more than 40 acres of irrigable and/or irrigation land westwide. The entity completing this form should inform all such persons, along with any lessors or lessees, of their certification or reporting requirements in order to protect the land's eligibility to receive irrigation water.</p> <p>Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.</p>	<p>I certify that the information provided herein is true, accurate, and complete to the best of my knowledge and agree that any change in the information in this certificate will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I further certify that any leases of land receiving irrigation water to which this entity is a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years. I also certify that, in my best judgment, the rent paid on any land leased by or from this entity that is receiving irrigation water reflects the reasonable value of the irrigation water to the productivity of the land.</p>
Signature of Officer or Authorized Agent	Office Held
Other Required Signatures	
Landholder's Street Address or Rural Route Number	
City and State	Zip Code
Telephone Number (Include Area Code)	Date

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

This certificate is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained in this certificate is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).

Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.

7-2183 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "GOVERNMENTAL AGENCY'S
CERTIFICATE OF LANDHOLDINGS," FORM 7-2183

USE OF THIS FORM: This form is to be completed by Federal, State, County, and City government agencies and any other government agencies which own more than 40 acres of "irrigable land" and/or "irrigation land" (as defined on the reverse side of these instructions) westwide, part or all of which land is located in a district which has conformed to the discretionary provisions of the Reclamation Reform Act of 1982 (RRA). Use this form to declare landholdings in a district that has conformed to the discretionary provisions; land located in districts subject to prior law must be reported using Form 7-2193, "Governmental Agency's Report of Landholdings." Government agencies must report irrigable and/or irrigation landholdings which are operated for either revenue-producing or non-revenue-producing functions.

Please refer to the definitions on the reverse side of these instructions whenever the meaning of a term is not clear to you.

Agencies must complete this form for all the irrigable and irrigation land that is owned within a district. If an agency owns irrigable or irrigation land in more than one district, a separate form must be completed for each district and be submitted to the appropriate irrigation district office. If extra forms are needed, please contact your district office.

If the agency leases irrigable or irrigation land to or from another individual or entity, we request that the agency inform the lessees or lessors of their obligation to certify or report. Failure to report by either the lessee or lessor will jeopardize the land's eligibility to receive irrigation water.

A certifying agency will not need to complete this form again unless the information reported on this form changes in some way. If such information does change, the agency must verbally notify the district of that change within 15 days of that change, and a new certification form must be submitted to the district within 30 days of such a change. If this information does not change, a verification to that effect must be signed and submitted annually. Your district will provide a verification form for this purpose each year.

After completing the form, please detach it from these instructions and return it to the office of the district in which the land is located.

Item-by-Item Instructions (Please type or print all answers.)

Section I.A: Give the name of the district to which the form is being submitted. The remainder of Section I is self-explanatory.

Section II: When completing Sections II.A and II.B, the same land parcel should not be listed more than once. Please refer to the definitions "Description," "Irrigable land," "Irrigation land," and "Effective date of agreement" which can be found on the reverse side of this form. Agencies need not report leases of less than five acres, provided the total acreage leased by the agency to the lessee in question is less than five acres.

"Number of acres" of each parcel should be rounded to the nearest acre.

Enter the name and address of any lessee or operator where indicated, and place a check in the appropriate column to indicate whether the party named is a lessee or an operator. Please refer to the definitions of "lease" and "operator" on the reverse side of these instructions, as necessary.

Section III: This section is self-explanatory. Please read it carefully and sign it. The statements concerning the rent paid on irrigation land, written leases, and the terms of such leases are requirements of the RRA.

ANY QUESTIONS YOU MAY HAVE SHOULD BE DIRECTED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

DEFINITIONS

Following are the definitions of some of the terms used in these forms and instructions. Please refer to these definitions whenever the meaning of a term is not clear to you.

Description: This refers to a legal description of the land in question, or a county assessor's parcel number if your district so requires. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2188 and 7-2189. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M.," or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to sections 203-208 of the Reclamation Reform Act, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities, are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under a lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use and possession of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*. See also definition of "term of lease."

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to Sections 209-230 of the Reclamation Reform Act of 1982. These provisions cover a wide range of topics and apply to all Reclamation Districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator of a given parcel may be the owner, a lessee, a sublessee, a contract operator, or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limitation law.

Reclamation Reform Act of 1982 (RRA): An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased ownership entitlement and full-cost pricing provisions of the new law. The new law also directs the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

PLEASE FOLLOW THE INSTRUCTIONS
CAREFULLY WHEN COMPLETING THIS FORM.
(Attach additional pages if necessary)

For District Use Only: IDCON NO.

GOVERNMENTAL AGENCY'S CERTIFICATE OF LANDHOLDINGS
Required by the Reclamation Reform Act of 1982

FORM 7-2183

OMB CLEARANCE NO.: 1006-0005
EXPIRATION DATE:

SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION

A. District Name

C. Level of Government of Landholder (Check one)

☐ Federal☐ State (Identify)☐ County (Identify With State Name)☐ City (Identify with County and State Name)☐ Other (Describe)B. Name of Agency Which
Holds (Owns or leases) Land

SECTION II: LANDHOLDINGS

A. List the irrigable and irrigation land parcels this agency owns in this district which are not operated by or leased to another party or parties.

Description of Irrigable and Irrigation Land

Number of Acres

Total Acres

B. List the irrigable and irrigation land parcels this agency owns in this district which are operated by or leased to another party or parties.

Effective Date
Of Agreement

Description of Irrigable and Irrigation Land

Number of Acres

Lessee's or Operator's Name and Address

Lessee

Operator

Total Acres

Continued on Page 2

7-2184 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "RELIGIOUS OR CHARITABLE ORGANIZATION'S
CERTIFICATE OF LANDHOLDINGS," FORM 7-2184

USE OF THIS FORM: This form is to be completed by religious or charitable organizations which own and/or lease more than 40 acres of "irrigable land" and/or "irrigation land" (these terms are defined on the pages following these instructions) westwide and which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954. This includes parishes, congregations, schools, wards, or similar nonprofit organizations.

Please refer to the definitions which follow these instructions whenever the meaning of a term is not clear to you.

If the organization owns and/or leases irrigable and/or irrigation land in more than one Reclamation project district, give information on all landholdings in all districts on this form. The organization must also complete and submit this form in each district in which it owns or leases land, giving all the information about all its landholdings each time the form is submitted. If you need extra forms, please contact your district office. If desired, the organization may make copies of Sections II, III.A, III.B, and III.C of this form to turn in with the 7-2184 forms submitted to other districts, rather than rewriting these sections each time.

The certifying organization will not need to complete this form again unless its landholdings change in some way. If its landholdings do change, the organization must notify the district office verbally within 15 days of that change, and a new certification form must be submitted within 30 days of such a change. If the landholdings do not change, a verification to that effect must be provided annually. Your district will provide a verification form for this purpose each year.

Please be aware that the completion of this form does not guarantee the organization's eligibility for irrigation water. For example, any land acquired from excess status without Federal price approval is ineligible for Reclamation project water deliveries.

Item-by-Item Instructions (Please type or print all answers.)

Begin by detaching the form from these instructions.

Section I: Give the name of the district in which you are submitting this form. The landholder's name should be the name in which the land is owned or leased. The remainder of Section I is self-explanatory.

Section II: The purpose of questions II.A and II.B is to determine whether the organization is subject to the discretionary provisions of the Reclamation Reform Act of 1982 and if you should continue to complete this form. IF YOU ANSWER "NO" TO BOTH II.A AND II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

The purpose of questions II.C, II.D, and II.E is to determine the organization's status under Reclamation law. IF YOU ANSWER "YES" TO ANY OF QUESTIONS II.C, II.D, OR II.E, CONTACT YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE FOR FURTHER GUIDANCE.

Section III: Use Section III.A to report all irrigable and irrigation land in which the organization owns a 100% interest. Use Section III.B to report all irrigable and irrigation land leased from other parties by the organization or by entities in which the organization owns a 100% interest. Use Section III.C to describe your organization's interest as a part owner or beneficiary of an entity or entities which own or lease irrigable or irrigation land. Any such irrigable and/or irrigation land, whether within or outside of the district in which you are submitting this form, must be listed in Section III. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definitions on the pages following these instructions. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section III.A: In Column 1, give the name of the district in which the parcel being described is located. If the organization holds land in more than one district, grouping the parcels by district will make it easier to summarize the organization's landholdings in Section III.D.

In Column 2, please provide a legal description accurate to the quarter section, or an assessor's parcel number if your district office so requires.

In Column 3, place a check in the box which indicates how each parcel is being operated.

In Column 4, if any irrigable or irrigation land owned by this organization is operated or leased by a party other than this organization or another division of this organization, enter that operator's or lessee's name and address.

In Column 5, please refer to the definition of "Effective date of agreement" which follows these instructions.

In Column 6, "Number of acres" of each parcel should be rounded to the nearest acre.

Section III.B: This section is similar to Section III.A, except that this section applies to irrigable or irrigation land leased by the organization from another party. Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section III.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether the organization (or some division of the organization) operates each parcel itself, or whether another party operates the parcel.

If the organization does not hold a part interest in any entities that hold irrigable or irrigation land, skip Section III.C and proceed to Section III.D.

Section III.C: In Column 1, print the name of the district in which the entity holds irrigable or irrigation land. It is recommended that all holdings of entities in one district be listed before starting with holdings in other districts. Grouping your listings "by district" rather than "by entity" will make it easier for you to complete the summary in Section III.D.

In Column 2, print the correct name of the entity(s) in which the organization holds an interest. Do not include entities that have more than 25 part owners or beneficiaries if your organization's interest is 4 percent or less, or amounts to 40 acres or less. If the entity has holdings in more than one district, you may need to enter the entity's name more than once.

In Columns 3 and 4, enter each entity's Federal Employer's Identification Number, if applicable, and check the box that most accurately describes the entity. The heading "DISCRETIONARY TRUST" refers to a trust that is subject to the discretionary provisions of the RRA; a corporation, partnership, joint tenancy, or any other entity subject to the discretionary provisions would fall under the heading "OTHER DISCRETIONARY." Similarly, the heading "PRIOR LAW CORPORATION" refers to a corporation that remains subject to prior law; all other prior law legal entities such as trusts, partnerships, etc., fall under the heading "OTHER PRIOR LAW."

In Columns 5 and 6, enter the number of irrigable and/or irrigation acres owned and leased by each entity in each district to the nearest acre.

In Column 7, enter the percentage interest the organization holds in each entity.

In Column 8, multiply the acreage from Column 5 by the percentage (in decimal form) from Column 7. For example, if Column 5 reads "160" (acres) and Column 7 reads "50" percent, the correct entry in Column 8 would be "80." Column 9 uses a similar procedure; in Column 9, multiply the acreage from Column 6 by the percentage in Column 7.

Section III.D: Acreages reported in Sections III.A, III.B, and III.C are totaled and summarized here. Columns are provided for up to five other districts in which you may hold irrigable or irrigation land.

Please note that if the "total" column of line D.3 exceeds 960 acres, or if any excess land is owned, the organization must submit Form 7-2188, "Application for Designation of Nonexcess Land" with this form.

If the "total" column of line D.6 is greater than zero, and the "total" column of line D.7 exceeds 960 acres, the organization must submit Form 7-2189, "Application for Selection of Non-Full-Cost Land" with this form. If both of these conditions are not present, Form 7-2189 need not be completed.

Section IV: Please read this section carefully and sign where indicated. The statements concerning the reporting of changes in information, the rent paid on irrigation land, written leases, and the terms of such leases are requirements of Reclamation law.

The local street address or rural route number of the organization is required. Attorneys' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. Post office box numbers may be used only if no other address exists. If the organization's mailing address differs from its street address, it is also required; please enter the mailing address on the back of the form.

ANY QUESTIONS YOU MAY HAVE SHOULD BE ADDRESSED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

DEFINITIONS

Following are the definitions of some of the terms used in this form and instructions. Please refer to these definitions whenever the meaning of a term is not clear to you.

Contract operator: An individual or legal entity other than the owner, lessee, or sublessee that performs part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom Social Security is paid.

Description: This refers to a legal description of the land in question, or a county assessor's parcel number, if your district so requires. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2188 and 7-2189. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M.," or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to sections 203-208 of the Reclamation Reform Act, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

District or Irrigation district: Any entity which has a contract with the United States for the delivery of Reclamation project water. The term "District," as used in these forms, could refer to a canal company, irrigation company, water user association, ditch company, water company, drainage district, etc.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Excess land: Irrigable land, other than exempt land, owned by any landowner in excess of the maximum ownership limitation under the applicable provisions of Reclamation law.

Federal Employer's Identification Number (FEIN): A unique number assigned to businesses by the Internal Revenue Service.

Irrevocable election: A legally binding decision by a landholder to conform to the discretionary provisions of the Reclamation Reform Act of 1982. An irrevocable election becomes official when a landholder submits an irrevocable election form to the Bureau of Reclamation. If an entire district elects to amend its contract to conform with the acreage entitlement and pricing provisions of the Reclamation Reform

Act of 1982, all direct landholders in the district are automatically subject to these provisions without making an irrevocable election. A landholder is subject to prior law until either an irrevocable election is made or the district amends its contract to conform to the discretionary provisions of the Reclamation Reform Act of 1982.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can be, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under a lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use and possession of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*, and available for the Department of the Interior's inspection. See also definition of "Term of lease."

Legal entity: Any business or property ownership arrangement established under State or Federal law including, but not limited to, corporations, partnerships, associations, joint tenancies, and tenancies-in-common.

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to sections 209-230 of the Reclamation Reform Act. These provisions cover a wide range of topics and apply to all Reclamation districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator of a given parcel may be the owner, a lessee, a sublessee, a contract operator, or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limitation law.

Reclamation Reform Act of 1982: An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased acreage entitlement and full-cost pricing provisions of the new law. The new law also permits the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

Westwide: The 17 Western States in which Reclamation projects are located. Upon your request, the Bureau of Reclamation or your district can provide a list of all districts westwide which are subject to Reclamation law.

[illegible]

SECTION III: LANDHOLDINGS (Continued)				
D. Landholding Summary	This District	Number of Acres		Total
		Other Districts		
1. Enter the total number of irrigable and irrigation acres owned (from Section III.A).				
2. Enter the total number of irrigable and irrigation acres owned through entities (if any) as reported in Section III.C, Column 8.				
3. Total irrigable and irrigation acreage owned (add lines D.1 and D.2).				
4. Enter the total number of irrigable and irrigation acres leased (from Section III.B).				
5. Enter the total number of irrigable and irrigation acres leased through entities (if any) as reported in section III.C, Column 9.				
6. Total irrigable and irrigation acreage leased (add lines D.4 and D.5).				
7. Total irrigable and irrigation acreage owned and leased (add lines D.3 and D.6).				
If the "Total" column of line D.3 exceeds 960 acres, or if the organization owns any excess land, you must complete form 7-2188, "APPLICATION FOR DESIGNATION OF NONEXCESS LAND."				
If the "Total" column of line D.6 is greater than zero, and if the "Total" column of line D.7 exceeds 960 acres, you must complete Form 7-2189, "APPLICATION FOR SELECTION OF NON-FULL-COST LAND." Form 7-2189 must also be completed if the organization owns land subject to an extended recordable contract.				

SECTION IV: SIGNATURE	
<p>Attention: This certificate must be signed. Read the following paragraphs before signing.</p> <p>Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.</p> <p>I certify that the information provided herein is true, accurate, and complete to the best of my knowledge and agree that any change in the information contained in this report will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I further certify that, in my best judgment, the rent paid on any land leased by or from this organization which is receiving irrigation water, reflects the reasonable value of the irrigation water to the productivity of the land. I also certify that any leases of land and receiving irrigation water to which this organization is a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years. I further certify that all irrigable and irrigation landholdings of this organization, whether held directly or through entities, have been reported on this form.</p>	
Signature of officer or authorized agent of the certifying organization	
Organization's Street Address or Rural Route Number	
City and State	Zip Code
Telephone Number (include area code)	Date
<p>This certificate is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained in this certificate is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).</p>	

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

7-2185 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR
"LEASING CHANGE FORM," 7-2185

USE OF THIS FORM: This form is to be used by lessees who have previously submitted Form 7-2180, 7-2181, or 7-2184, to indicate that they have terminated or altered leases previously reported, or to indicate that they have entered into new leases. The lessee may submit this form rather than resubmitting Form 7-2180, 7-2181, or 7-2184 to report a change in leaseholdings. If this form is used, the lessee must obtain the signatures of all landowners involved, thereby indicating the landowners' concurrence with the information supplied. This will satisfy the requirement that landowners must also report changes in their operating arrangements.

Any change in information previously reported other than a leasing change requires the submission of a new Form 7-2180, 7-2181, or 7-2184.

The lessee has 15 days in which to report a leasing change at least verbally to the district in which the land is located. However, within 30 days of any leasing change, the lessee must submit this form (or a completely new certification form) to all districts in which he or she holds irrigable or irrigation land.

IMPORTANT NOTE FOR ENTITIES THAT ORIGINALLY SUBMITTED FORM 7-2181: If the leasing change being reported on this form results in a net increase in leased acreage, part owners and beneficiaries identified on the entity's Form 7-2181 must submit new individual certification or reporting forms within 30 days of the landholding change. If the leasing change results in no net change or a net decrease in leased acreage, part owners and beneficiaries need not complete new forms unless their full cost acreage is affected.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Names and other information presented here must correspond precisely to that presented in the most recently submitted certification form. Begin by printing the name of the district in which this form is being submitted. Individuals should enter their name and social security number, and, if married, their spouse's name and social security number. If the landholder is an entity, the entity name and Federal Employer's Identification Number (FEIN), if applicable, must be entered in the indicated spaces.

Also check the form number of your most recent certification form (other than Form 7-2185) and the date you signed that form.

Section II: This section is separated into two subsections. Subsection II.A is to be used to report leases which are being terminated or in which the leased acreage is being reduced. Subsection II.B is to be used to report new leases, or increases in acreage under existing leases.

In describing the irrigable or irrigation land, please refer to the definitions of "Description," "Irrigable land," and "Irrigation land" which can be found in the front of this booklet.

The "termination date" is the date a lease ends or is broken. The "effective date" is either the date a lease was entered into or another effective date which may be specified in the lease.

"Number of acres" of each parcel should be rounded to the nearest acre.

In section II.B, indicate whether you are operating each parcel yourself or whether another party is operating the parcel, by placing a check in the appropriate box.

Section III: The acreage entered in item III.A should agree with the information submitted on your most recent certification form. The acreage entered in item III.B should also be based on the data from your most recent certification form, as modified by the changes you have submitted on this form.

For individuals, single families, and entities owned by or benefiting 25 or fewer individuals (other than trusts), Form 7-2189, "Application for Selection of Non-Full-Cost Land" must be completed if item III.B is greater than zero, and if item III.C is greater than 960. If either of these conditions is not present, Form 7-2189 need not be completed. If Form 7-2189 is completed, it should be attached to Form 7-2185 for submittal to the office of each district in which you hold irrigable or irrigation land.

Entities owned by or benefiting more than 25 individuals (other than trusts) must submit Form 7-2189 if item III.C is greater than 320 acres. However, if such entities did not first receive irrigation water until after October 1, 1981, Form 7-2189 must be completed regardless of the acreage involved, since the entity's entire landholding is subject to full cost. Again, Form 7-2189 must be attached to Form 7-2185 and submitted to the office of each district in which the entity holds irrigable or irrigation land.

Because the acreage entitlements for trusts are entirely dependent upon the number of beneficiaries and their individual entitlements, trusts should use the following procedure to determine whether it is necessary to complete Form 7-2189:

On a separate sheet of paper, list each beneficiary identified in Section III of the trust's Form 7-2181, and give each beneficiary's status (i.e., qualified recipient or prior law). Also give the number of owned and leased irrigable and irrigation acres which are attributable to the interest held by each beneficiary. Unless you are completely familiar with acreage limitation law, you should work with your district or nearest Bureau of Reclamation office to determine whether each beneficiary is within his or her non-full-cost entitlement, and whether it is necessary for the trust to complete Form 7-2189. Copies of these papers and computations must be filed in the district office with the trust's certification forms. (If this procedure was completed when the trust previously certified, it need only be updated to reflect the changes now being declared.)

Section IV: The lessee must sign the certification in Section IV.A and provide all other information requested there.

Individuals and families (as defined on the first page in this booklet) must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. Post office box numbers may be used only if no street address or rural route number exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address where indicated.

The lessee must also obtain the signatures of any landowners named in this form. This includes both the landowners with whom you are terminating leases as well as those with whom you are entering into new leases. By signing this form, the landowners will satisfy their requirement to report changes in their operating arrangements.

The statements concerning the reporting of changes in information, the rent paid, written leases, and the terms of such leases are requirements of the Reclamation Reform Act of 1982.

ANY QUESTIONS YOU MAY HAVE CAN BE ANSWERED BY YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

PLEASE FOLLOW THE INSTRUCTIONS
CAREFULLY WHEN COMPLETING THIS FORM.
(Attach additional pages if necessary)

FOR DISTRICT USE ONLY: IDCON NO.

IDCON NO.

LEASING CHANGE FORM (CERTIFICATION)

Required by the Reclamation Reform Act of 1982

SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION

Landholder

Name of Individual or Entity

Social Security Number or FEIN

Spouse

Name _____

Social Security Number

(Check One)

7-2180

7-2181

7-2184

Date _____

1

10

SECTION II: LEASING CHANGES

A. List the irrigable and irrigation land parcels for which leases are being terminated.

District Name

Landowner's Name

Legal Description of Irrigable or Irrigation Land

Termination

Number of Acres

3. List the irrigable and irrigation land parcels for which you are entering new leases.

District Name

Landowner's Name

Legal Desc

Legal Description of Irrigable or Irrigation Land

Effective Date of Lease	Operated By:	
	Self	Other

Number of Acres

SECTION III: CALCULATION OF NON-FULL-COST LANDHOLDINGS

A. Enter the total number of irrigable and irrigation acres you own, directly and indirectly, in all districts.

8. Enter the total number of irrigable and irrigation acres you lease from someone else, directly and indirectly, in all districts.

C. Total irrigable and irrigation acreage owned and leased (Add lines III.A and III.B).

Please refer to the instructions for section III to determine if it is necessary to complete form 7-2189, "APPLICATION FOR SELECTION OF NON-FULL-COST LAND."

Continued on Page 2

SECTION IV: SIGNATURES

Attention: The lessee, and all landowners identified in sections IIA and IIB of this form, must sign this certification. Please read the following paragraph before signing.

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

A. LESSEE

I (we) certify that the information provided herein is true, accurate, and complete to the best of my (our) knowledge and agree that any change in the information in this certificate will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I (we) further certify that in my (our) best judgment, the rent paid on any land leased by me (us) which is receiving irrigation water reflects the reasonable value of the irrigation water to the productivity of the land. I also certify that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years.

Signature of Lessee or Authorized Agent

Date

Spouse's Signature or Other Required Signature(s)

Date

Agent's Title or Office Held, and Name of Entity, if Applicable

Residential Street Address

City and State

Telephone Number (include Area Code)

Mailing Address, if Different From Residential Street Address

This certification is required by Public Law 97-293. Failure to report can result in loss of water deliveries from Federal Reclamation projects. Information obtained in this certification is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).

Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

2

B. LANDOWNER(S)

I (we), the undersigned landowner(s), certify that the information contained herein concerning land I (we) own is true and accurate. I (we) also certify that in my (our) best judgment, the rent paid on any land leased from me (us) which is receiving irrigation water reflects the reasonable value of the irrigation water to the productivity of the land. I (we) further certify that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years.

LANDOWNER 1

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (if Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (if Applicable)

LANDOWNER 2

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (if Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (if Applicable)

LANDOWNER 3

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (if Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (if Applicable)

LANDOWNER 4

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (if Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (if Applicable)

7-2187 (6-88)
Bureau of Reclamation

VERIFICATION OF LANDHOLDINGS (CERTIFICATION)

INSTRUCTIONS

If the landholdings previously described on certification forms have not changed since those forms were submitted, the landholder(s) must verify that the information contained on those forms remains valid. This must be done on an annual basis as a precondition for the receipt of Reclamation project water in any given water year. Part owners and beneficiaries of an entity which holds irrigable or irrigation land may be required to sign the entity's verification form. However, such part owners and beneficiaries need not complete separate verification forms, unless they hold other irrigable or irrigation land in their own names. The landholder name(s) entered on this form must match exactly the landholder name(s) which appear on any previously submitted certification form. Questions should be referred to your irrigation district or nearest Bureau of Reclamation office.

Individuals and families must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. However, post office box numbers may be used if no other address for the landholder exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address where indicated.

All landholders must answer the following questions:

District Name: _____

Previously submitted certification form: (Check one)

- ☐ 7-2180, "Individual's Certificate of Landholdings"
- ☐ 7-2181, "Multiple Ownership Certificate of Landholdings"
- ☐ 7-2183, "Governmental Agency's Certificate of Landholdings"
- ☐ 7-2184, "Religious or Charitable Organization's Certificate of Landholdings"

During the preceding water year, the land parcels described on your previously submitted certification form(s) were operated by: (check all that apply)

- ☐ 1. The landholder completing this form.
- ☐ 2. A lessee or sublessee of the landholder completing this form.
- ☐ 3. A contract operator or operators (Individuals or legal entities other than the owner, lessee, or sublessee that perform part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom Social Security is paid).

If you checked item 3 above, list all contract operators employed during the past water year, their telephone numbers, the services the contract operators provided (i.e., farm management services, pesticide application, harvesting, etc.), and the approximate acreage associated with each operator:

Operator Name	Telephone Number	Service(s) Provided	Approximate Acreage Operated
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Continued on reverse)

If the landholder completing this form is not a trust, skip the following section and complete the remainder of this form. All trusts must complete the following section.

TRUSTS ONLY:

1. The trust instrument is: ☐ revocable (check one)
☐ irrevocable

If the trust is irrevocable, skip questions 2 and 3 below and complete the remainder of this form. Revocable trusts must answer the following questions.

2. Is the trust revocable at the discretion of the grantor in such a manner that revocation results in the title to the trusted land reverting either directly or indirectly to the grantor? ☐ yes
☐ no
3. Is the trust revoked or terminated by its terms upon the expiration of a specified period of time in such a manner that revocation or termination results in the title to the trusted land reverting either directly or indirectly to the grantor? ☐ yes
☐ no

If the answer to either questions 2 or 3 above is "yes," then new certification or reporting forms must be submitted which attribute the trusted land to the grantor.

I ATTEST THAT THE INFORMATION I SUBMITTED CONCERNING THE LANDHOLDINGS OF _____ (NAME OF LANDHOLDER)

ON THE CERTIFICATION FORM DATED _____ REMAINS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. ALSO, I ATTEST THAT I HAVE CORRECTLY IDENTIFIED ALL OPERATOR(S) (OTHER THAN THE LANDHOLDER NAMED ABOVE) OF ALL LAND OWNED AND LEASED BY THE LANDHOLDER NAMED ABOVE.

Signature of Landholder(s) or Authorized Agent

Signature of Spouse

Other required signatures

Signator's Title or Office Held
(If applicable)

Name of Entity (If applicable)

Landholder's Residential Address

City and State

Zip Code

Telephone Number

Date

Mailing Address (if different from residential address)

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

APPLICATION FOR DESIGNATION OF NONEXCESS LAND		FORM 7-2188	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:	
<p>(For individuals and entities subject to the discretionary provisions of the Reclamation Reform Act of 1982)</p> <p>Instructions: The instructions on the certification form or forms you have completed will indicate whether or not you must complete this form. For your convenience, we have summarized below the conditions which require the completion of this form.</p> <p>1. Individuals, single families, and entities (other than trusts) benefiting 25 or fewer persons must complete this form if more than 960 acres of irrigation land are owned, or if land that must be considered excess for other reasons is owned.</p> <p>2. Entities (other than trusts) owned by or benefiting more than 25 persons must complete this form if more than 640 acres of irrigable and/or irrigation land are owned, or if land that must be considered excess for other reasons is owned.</p> <p>3. Trusts must refer to the special instructions for Form 7-2181 to determine whether it is necessary to complete this form.</p> <p>The amount of land you may declare nonexcess depends on many factors, such as your status under the law, the type of organization which owns the land, the application of equivalency, etc. You should work with your irrigation district (or districts) or nearest Bureau of Reclamation Office to complete this form properly.</p> <p>All descriptions of land on this form should be full legal descriptions. Include the assessor's parcel number, if available. Acreages should be rounded to the nearest acre.</p>		Landholder's Name(s)		
		Landholder's Address		
		District to which this form is being submitted: Landholder's Status (Check one) <input type="checkbox"/> Individual <input type="checkbox"/> Married Couple <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Tenancy or Tenancy-in-Common <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe) _____		
Description of irrigable and/or irrigation land you wish to declare nonexcess. Include an explanation of any special reasons a particular parcel should be considered nonexcess. If you are listing parcels located in more than one district, group the parcels by district. If appropriate, use the columns provided to compute Class I Equivalent Acreage. The "Actual Acres" column must be completed. (Attach additional pages if necessary.)		Actual Acres	Class I Equivalency Factor	Class I Equivalent Acres
Total Nonexcess Acreage				

2

[illegible]

2

7-2178A (8-88)
Bureau of Reclamation

GENERAL INSTRUCTIONS (For Reporting Forms)

Use of this booklet. (repeated from cover)

Use this booklet only if you are subject to acreage limitation law prior to the Reclamation Reform Act of 1982 (RRA). You are subject to prior law unless you have personally made an irrevocable election to conform to the discretionary provisions of the RRA, or unless you have directly owned or leased land in a district after that district conformed to the discretionary provisions of the RRA.

Please note that a part owner's or beneficiary's status is not automatically determined by the status of the entity in which he or she holds an interest. For example, if you own or lease land only indirectly through a legal entity that holds land in a district with a new or amended contract, you may choose whether you wish to be subject to the discretionary provisions or to prior Reclamation law. In that situation, you may indicate your choice by submitting a certification (blue) form if you wish to become subject to the discretionary provisions, or by submitting a reporting (brown) form if you wish to remain subject to prior law. If you choose to remain subject to prior law, use this booklet; if, instead, you wish to become subject to the discretionary provisions of the RRA, obtain a "Certification Forms Booklet" from your irrigation district office. It is very important to note that if you submit a certification (blue) form to a district with a new or amended contract, you will be bound to the discretionary provisions permanently, and in all districts.

If you own or lease land only indirectly through a legal entity that is subject to the discretionary provisions by virtue of an irrevocable election, you are not subject to the discretionary provisions unless you personally make an irrevocable election.

Similarly, a legal entity's status under Reclamation law is not determined by the status of the entity's part owners or beneficiaries. For example, a corporation in a prior law district remains subject to prior law ownership limitations even if all of its stockholders become subject to the discretionary provisions. In that situation, the corporation itself must make an irrevocable election if it is to become subject to the discretionary provisions.

Who must complete these reporting forms.

All persons, organizations, and governmental agencies which own or lease irrigable or irrigation land and which are subject to prior law must report their landholdings. The only exceptions to this reporting requirement are as follows:

1. Landholders whose total irrigable and irrigation land owned and leased, both directly and through entities, totals 40 acres or less westwide are exempt from reporting requirements.
2. Landholdings in districts which are exempted from acreage limitation law by statute or by action of the Secretary of the Interior are exempt from reporting requirements.
3. Landholdings in districts which are obligated to the United States only by a Small Reclamation Projects Act or Water Conservation and Utilization Act contract are exempt from these particular certification requirements.

When to report.

You must submit your report to the office of each irrigation district office by the date specified by each district. This date must always precede the initial delivery of irrigation water. Failure to report will jeopardize the continued delivery of irrigation water.

It will not be necessary for you to complete basic reporting forms again unless one of the three following events takes place:

1. Your ownership or leasing arrangements change, in which case you must inform the district of the change either verbally or in writing within 15 days of the change and submit a new reporting form within 30 days of the change.
2. You make an irrevocable election, in which case you must complete a certification form.
3. Your district amends its contract with the United States and becomes subject to the discretionary provisions. In this case, you must complete a certification form, unless you hold land only indirectly through a legal entity. If you hold land only indirectly, you may choose to fill out certification forms. (Refer to explanation in paragraph 2 on the first page of these instructions.)

However, even if none of these events takes place, each year you must verify that your most recently submitted reporting form remains valid. Your district office will send you a verification form to fill out each year.

Which forms to fill out.

If you have determined that you or your organization is subject to prior law, the next step is to decide which form or forms to fill out.

There are five forms in this booklet (two copies of each form). MOST FARMERS AND LANDOWNERS, HOWEVER, NEED TO COMPLETE ONLY THE FIRST FORM, "INDIVIDUAL'S REPORT OF LANDHOLDINGS." The following summaries will help you to determine which form or forms you need to complete.

1. Individuals and single families (see definition of "family" following these instructions) whose total holding of irrigable and irrigation land, both directly and through part ownership in entities, is greater than 40 acres westwide, must complete Form 7-2190, "Individual's Report of Landholdings." With the exception of trusts, all legal entities which are composed solely of an individual or a single family must complete Form 7-2190. Holdings of dependents must be included on their parents' or legal guardians' Form 7-2190; dependents may not complete separate forms. If you hold land in more than one name - for example, some land in your own name, and some land in the name of a family corporation - you must report all such land on one Form 7-2190. Part owners and beneficiaries who own or lease land only indirectly through a legal entity that holds land in a district subject to the discretionary provisions of the RRA may use this form only if they wish to remain subject to prior law. If such part owners or beneficiaries do not wish to remain subject to prior law, but instead, desire to conform to the discretionary provisions, of the RRA, they must certify their holdings using Form 7-2180, "Individual's Certificate of Landholdings."
2. All trusts, even if composed solely of members of a single family (see definition of "family" following these instructions), and other legal entities such as corporations, partnerships, joint tenancies, and tenancies-in-common, that are not composed solely of members of a single family, must complete Form 7-2191, "Multiple Ownership Report of Landholdings." Entities that are composed of more than one family must complete Form 7-2191, even if the families are related.
3. If you are a lessee that has previously completed Form 7-2190, 7-2191, or 7-2194, and need to report a change in leaseholdings only, you may report those changes using Form 7-2195, "Leasing Change Form." Any changes in leases, including termination of existing agreements, must be reported by both the landowner and the lessee. By signing a lessee's Form 7-2195, an owner can satisfy the requirements to report changes in his/her farming arrangements.
4. If you own and/or lease land above certain thresholds, Forms 7-2190, 7-2191, and 7-2194 will direct you to complete Form 7-2198, "Application for Designation of Nonexcess Land," and/or Form 7-2199, "Application for Selection of Non-Full-Cost Land." You need not complete these forms unless the instructions for Forms 7-2190, 7-2191, or 7-2194 so indicate.

If the landholder is an agency of Federal, State, or local government or a religious or charitable organization, none of the forms listed above are to be used for making an ownership declaration. Such entities must contact their district office or offices for the proper form. Agencies of Federal, State, County, City, or other levels of local government which hold more than 40 acres of irrigable and/

or irrigation land westwide must submit Form 7-2193, "Governmental Agency's Report of Landholdings." Religious or charitable organizations which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954, and which hold more than 40 acres of irrigable and/or irrigation land westwide must submit Form 7-2194, "Religious or Charitable Organization's Report of Landholdings."

Filling out the forms.

Once you have determined which form(s) you must complete, follow the instructions for completing that form carefully and complete the form(s). If you have questions, contact your district or Bureau of Reclamation office.

Be sure to break down land parcels as far as necessary to ensure accurate reporting. For example, a quarter section of land, half of which is operated by the owner, and half of which is operated by a lessee, should be listed as two separate 80-acre parcels.

On all forms, individuals and families must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of street addresses. Post office box numbers may be used only if no other address for the landholder exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address on the back of the form or where indicated.

Any unauthorized alteration made to any reporting form will render that form invalid.

When you finish the form or forms, sign them and return them to your district office. Please remember that if you hold land in more than one district, you must submit a reporting form to each district office.

Please be aware that the completion of reporting forms does not guarantee your land's eligibility for water, even if you own less than 160 acres. For example, excess land (see definitions) which has not been placed under recordable contract, and land acquired from excess status without Federal price approval is generally ineligible for Reclamation project irrigation water deliveries.

If you lease land to or from another individual or entity, please inform the lessees or lessors of their obligation to certify or report. If either the lessee or lessor fails to report, the eligibility of the land to receive irrigation water will be jeopardized.

It is recommended that you keep a copy of your reporting form(s) for your own records.

DEFINITIONS

Following are the definitions of some of the terms used in these forms and instructions. Please refer to these definitions whenever the meaning of a term is not clear to you.

Contract operator: An individual or legal entity other than the owner, lessee, or sublessee that performs part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom Social Security is paid. (See definition of "Operator.")

Dependent: The term "dependent" means any natural person within the meaning of the term dependent in the Internal Revenue Code of 1954 (26 U.S.C. 152) as it may be amended from time to time. Landholdings of a person who is someone's dependent for income tax purposes must be reported on the same form as landholdings of the dependent's parent(s) or legal guardian(s).

Description: This refers to a legal description of the land in question, or a county assessor's parcel number where required by the district. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2199 and 7-2199. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M." or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to sections 203-208 of the Reclamation Reform Act, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

District or irrigation district: Any entity which has a contract with the United States for the delivery of Reclamation project water. The term "District," as used in these forms, could refer to a canal company, irrigation company, water user association, ditch company, water company, drainage district, etc.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Excess land: Irrigable land, other than exempt land, owned by any landowner in excess of the maximum ownership limitation under the applicable provision of Reclamation law.

Family: A married couple and their dependents.

Federal Employer's Identification Number (FEIN): A unique number assigned to businesses by the Internal Revenue Service.

Irrevocable election: A legally binding decision by a landholder to conform to the discretionary provisions of the Reclamation Reform Act of 1982. An irrevocable election becomes official when a landholder submits an irrevocable election form to the Bureau of Reclamation. If an entire district elects to amend its contract to conform with the acreage entitlement and pricing provisions of the Reclamation Reform Act of 1982, all direct landholders in the district automatically are subject to these provisions without making an irrevocable election. A landholder is subject to prior law until either an irrevocable election is made or the district amends its contract to conform to the discretionary provisions of the Reclamation Reform Act of 1982.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can be, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities, are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operations of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under the lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use and possession of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*, and available for the Department of the Interior's inspection. See also definition of "Term of lease."

Legal entity: Any business or property ownership arrangement established under State or Federal law including, but not limited to, corporations, partnerships, associations, joint tenancies, and tenancies-in-common.

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to sections 209-230 of the Reclamation Reform Act. These provisions cover a wide range of topics and apply to all Reclamation districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator(s) of a given parcel may be the owner, a lessee, a sublessee, contract operator(s), or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limited by law.

Reclamation Reform Act of 1982: An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased acreage entitlement and full-cost pricing provisions of the new law. The new law also permits the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

Westwide: The 17 Western States in which Reclamation projects are located. Upon your request, the Bureau of Reclamation or your district can provide a list of all districts westwide which are subject to Reclamation law.

7-2190 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "INDIVIDUAL'S REPORT OF LANDHOLDINGS," FORM 7-2190

PLEASE REVIEW THE GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM. THE GENERAL INSTRUCTIONS EXPLAIN THE USE OF THIS FORM, GIVE DEFINITIONS OF TERMS USED IN THIS FORM, AND PROVIDE OTHER ESSENTIAL INFORMATION.

If you own or lease land in more than one Reclamation project district, give all information pertaining to those holdings on this form. You must also complete and submit a reporting form in each district in which you own or lease land, declaring all your landholdings each time you submit this form. If you wish, you may make copies of Sections III.A, III.B, and III.C of this form to turn in with the 7-2190 forms you submit to other irrigation districts, rather than rewriting these sections each time. If you need extra forms, please contact your district office.

If you determine, based on the General Instructions, that you must report the interest you hold in an entity or entities, you should obtain a copy of each entity's Form 7-2191, "Multiple Ownership Report of Landholdings," or Form 7-2181, "Multiple Ownership Certificate of Landholdings." By referring to the information contained on the entity's form, you can ensure that the information on entity landholdings which you report is both accurate and reliable. If such an entity (or entities) holds irrigable or irrigation land in more than one district, you must also submit a report in each of those districts.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Print the name of the district in which you are submitting this form. Print your name and social security number and, if you are married, your spouse's name and social security number. If you hold land in the name of an individual or husband/wife corporation (or other entity owned entirely by you, your spouse, and/or your dependents), print that name in the space marked "OTHER NAMES IN WHICH YOU, YOUR SPOUSE, AND/OR YOUR DEPENDENTS HOLD IRRIGABLE OR IRRIGATION LAND." Any other names in which irrigable or irrigation land is held, such as your dependents' names, maiden names, etc., must also be listed here.

Section II: The purpose of Section II is to determine whether you are subject to the discretionary provisions and if you should continue to complete this form. IF YOU ANSWER "YES" TO EITHER II.A OR II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

To answer question II.C, place a check in the box which indicates the landholder's dependency status under the Internal Revenue Code. If the answer is "yes," the landholder should be included on his/her parents' or legal guardians' Form 7-2190.

Section III: Use Section III.A to report all irrigable and irrigation land in which you, your spouse, and/or your dependents own a 100% interest. Use Section III.B to report all irrigable and irrigation land leased from other parties by you, your spouse, and/or your dependents, or by entities in which you, your spouse, and/or your dependents own a 100% interest. Use Section III.C to describe your interest as a part owner or beneficiary of an entity or entities which own or lease irrigable or irrigation land. Any such irrigable or irrigation land, whether within or outside of the district in which you are submitting this form, must be listed in Section III. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definitions of these terms located in the front of this booklet. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section III.A: In Column 1, give the name of the district in which the parcel you are describing is located. If you hold land in more than one district, grouping the parcels by district will make it easier for you to summarize your landholdings in Section III.D.

In Column 2, please provide a legal description accurate to the quarter section, or an assessor's parcel number if your district office so requires.

In Column 3, answer according to the date title to the parcel was transferred into your name(s).

In Column 4, place a check in the box which indicates how each parcel is being operated.

In Column 5, give the name and address of the operator or lessee if the land is operated or leased by another party.

In Column 6, the effective date of an agreement is either the date of the lease (or any other operation agreement) was entered into, or the effective date as specified in the agreement.

In Column 7, "Number of acres" of each parcel should be rounded to the nearest acre.

Section III.B: Section III.B is similar to Section III.A except that it applies to land you, your spouse, and/or your dependents lease from another party. Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section III.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether you operate each parcel yourself, or whether another party operates the parcel.

If you, your spouse, and/or your dependents do not hold a part interest in any entities that hold irrigation land, skip Section III.C and proceed to Section III.D.

Section III.C: In Column 1, print the name of the district in which the entity holds irrigable or irrigation land. It is recommended that all holdings of entities in one district be listed before starting with holdings in other districts. Grouping your listings "by district" rather than "by entity" will make it easier for you to complete the summary in Section III.D.

In Column 2, print the correct name of the entity(s) in which you, your spouse, and/or your dependents hold an interest. Do not include entities owned by or benefiting more than 25 persons if your interest is 4 percent or less, or amounts to 40 acres or less. If the entity has holdings in more than one district, you may need to enter the entity's name more than once.

In Columns 3 and 4, enter each entity's Federal Employer's Identification Number, if applicable, and check the box that most accurately describes the entity. The heading "DISCRETIONARY TRUST" refers to a trust that is subject to the discretionary provisions of the RRA; a corporation, partnership, joint tenancy, or any other entity subject to the discretionary provisions would fall under the heading "OTHER DISCRETIONARY." Similarly, the heading "PRIOR LAW CORPORATION" refers to a corporation that remains subject to prior law; all other prior law legal entities such as trusts, partnerships, etc., fall under the heading "OTHER PRIOR LAW."

In Columns 5 and 7, enter the number of irrigable and irrigation acres owned and leased by each entity in each district to the nearest acre. Note: In Columns 5 and 7, part owners leasing land to or from an entity in which they hold an interest may subtract any acreage they have included as part of their own landholding in sections III.A and III.B. Such part owners must use footnotes to briefly explain these subtractions on the back of the form.

In Column 6, answer according to the date the legal entity acquired title to the land, or according to the date you acquired an interest in the entity, whichever is later.

In Column 8, enter the percentage interest you, your spouse, and/or your dependents hold in each entity.

In Column 9, multiply the acreage from Column 5 by the percentage (in decimal form) from Column 8. For example, if Column 5 reads "160" (acres) and Column 8 reads "50" percent, the correct entry in Column 9 would be "80." Column 10 uses a similar procedure; in Column 10, multiply the acreage from Column 7 by the percentage in Column 8.

Section III.D: Acreages reported in Sections III.A, III.B, and III.C are totaled and summarized here. Columns are provided for up to five other districts in which you may hold irrigable or irrigation land.

Please note that if the "total" column of line D.3 exceeds 160 acres (320 acres for a married couple, if each spouse holds an equal interest) or if you own any excess land, you must submit Form 7-2198, "Application for Designation of Nonexcess Land" with this form. If the spouses' interests in the land are not equal, and if more than 160 acres are owned, contact your district or Bureau office for guidance.

If the "total" column of line D.6 is greater than zero, and if the "total" column of line D.7 exceeds 160 acres (320 acres for a married couple, if each spouse holds an equal interest), you must submit Form 7-2199, "Application for Selection of Non-Full-Cost Land" with this form. Form 7-2199 must also be completed if you own land subject to an extended recordable contract.

Section IV: The street address or rural route number of your residence is required. Attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable as residential addresses. Post office box numbers may be used only if no other address exists. If your mailing address differs from your residential address, it is also required; please enter the mailing address on the back of the form. The remainder of this section is self-explanatory. Please read it carefully and sign it. The statements concerning the reporting of changes in information, written leases, the terms of such leases, and holdings of spouses and dependents are requirements of Reclamation law.

ANY QUESTIONS YOU MAY HAVE SHOULD BE ADDRESSED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

[illegible]

SECTION III: LANDHOLDINGS (Continued)			
D. Landholding Summary	This District	Number of Acres Other Districts	Total
1. Enter the total number of irrigable and irrigation acres owned (from Section III.A).			
2. Enter the total number of irrigable and irrigation acres owned through entities (if any) as reported in Section III.C, Column 9.			
3. Total irrigable and irrigation acreage owned (add lines D.1 and D.2).			
4. Enter the total number of irrigable and irrigation acres leased (from Section III.B).			
5. Enter the total number of irrigable and irrigation acres leased through entities (if any) as reported in section III.C, Column 10.			
6. Total irrigable and irrigation acreage leased (add lines D.4 and D.5).			
7. Total irrigable and irrigation acreage owned and leased (add lines D.3 and D.6).			
<p>If the "Total" column of line D.3 exceeds 160 acres, (320 acres for a married couple, if each spouse holds an equal interest), or if you own any excess land, you must complete Form 2198, "APPLICATION FOR DESIGNATION OF NONEXCESS LAND."</p> <p>If the "Total" column of line D.6 is greater than zero, and if the "Total" column of line D.7 exceeds 160 acres (320 acres for a married couple, if each spouse holds an equal interest), you must complete Form 7-2199, "APPLICATION FOR SELECTION OF NON-FULL-COST LAND."</p>			
SECTION IV: SIGNATURE			
<p>Attention: This declaration must be signed. Read the following paragraphs before signing.</p> <p>Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.</p> <p>I (we) attest that the information provided herein is true, accurate, and complete to the best of my (our) knowledge and agree that any change in the information contained in this report will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I (we) also attest that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years. I (we) further attest that all irrigable and irrigation landholdings of both spouses and any dependents (if applicable), whether held directly or through entities, have been reported on this form.</p>			
Landholder's Signature	Spouse's Signature		
Landholder's Residential Street Address or Rural Route Number			
City and State	Zip Code		
Telephone Number (include area code) _____ Date _____			
<p>This report is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained in this report is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).</p> <p>Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.</p>			
PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.			

7-2191 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "MULTIPLE OWNERSHIP REPORT
OF LANDHOLDINGS," FORM 7-2191

PLEASE REVIEW THE GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM. THE GENERAL INSTRUCTIONS EXPLAIN THE USE OF THIS FORM, GIVE DEFINITIONS OF TERMS USED IN THIS FORM, AND PROVIDE OTHER ESSENTIAL INFORMATION.

All irrigable and irrigation landholdings of the entity completing this form, including landholdings in other Reclamation project districts, must be included on this form.

Each entity must submit a completed Form 7-2191, "Multiple Ownership Report of Landholdings" in each district in which it holds irrigable or irrigation land, either directly or through subsidiaries. If desired, Sections II, III, IV.A, and IV.B may be copied and submitted with the 7-2191 forms submitted in other districts, rather than rewriting these sections each time. If extra forms are needed, please contact your district office.

Holdings of subsidiaries are counted against the entitlement of the parent entity. Therefore, this form must be completed by the ultimate parent entity and must fully disclose the identity and landholdings of each subsidiary. In the case where a corporation which holds irrigable or irrigation land is owned by more than one other corporation, describe the ownership of the corporation(s) in detail on a separate sheet. Submit that sheet with this report, and fill out this report as completely as possible.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Enter the name of the district in which you are submitting the form, and check the box that best identifies the landholder's entity type. The landholder name(s) should be the name(s) in which the land is owned or leased, unless the landholder is a subsidiary of another entity. In that case, the parent entity's name should be given as the landholder, and the subsidiary's name should appear on the lines provided. Indicate the State or States in which the landholder entity is established or registered and the entity's Federal Employer's Identification Number (FEIN). The FEIN is required if one exists for the entity. Enter the names and addresses of any subsidiaries that own or lease irrigable or irrigation land. Finally, trusts must enter the names of all the trust's grantors.

Section II: The purpose of questions II.A and II.B is to determine whether the entity is subject to prior law and if you should continue to complete this form. Please note that irrevocable elections by an entity's part owners or beneficiaries do not bind the entity and are therefore not the equivalent of an irrevocable election by the entity. IF YOU ANSWER "YES" TO EITHER II.A OR II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

Questions II.C and II.D - These questions must be answered by all trusts. Check the appropriate boxes.

Section III: Entities owned by or benefiting 25 or fewer persons must identify all part owners or beneficiaries. Entities owned by or benefiting more than 25 persons must identify only those part owners or beneficiaries who hold an interest greater than 4 percent in the entity, and whose interest amounts to more than 40 acres. If the entity is owned by or benefits more than 25 persons, and none of those persons holds an interest in the entity greater than 4 percent or amounting to more than 40 acres, skip the remainder of Section III and proceed to Section IV.

All persons identified in Section III must complete either Form 7-2180, "Individual's Certificate of Landholdings," or Form 7-2190, "Individual's Report of Landholdings," unless the part owner or beneficiary's total holding of irrigable and irrigation land westwide, both directly and through entities, is 40 acres or less. The part owner or beneficiary must determine which of Forms 7-2180 or 7-2190 to complete based on his or her status under Reclamation law. If subject to the discretionary provisions of the RRA, the part owner or beneficiary should use Form 7-2180; if subject to prior law, he or she should use Form 7-2190. THE ENTITY COMPLETING THIS FORM SHOULD INFORM ALL PERSONS IDENTIFIED IN SECTION III OF THEIR OBLIGATION TO CERTIFY OR REPORT IN ORDER TO PROTECT THE LAND'S ELIGIBILITY TO RECEIVE IRRIGATION WATER.

Section IV: Use Section IV.A to report the entity's landownership; use Section IV.B to report land leased by the entity from other parties. Any irrigable and irrigation land owned or leased by the entity, whether within or outside of the district in which this form is being submitted, must be described here. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definition of these terms located in the front of this booklet. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section IV.A: In Column 1, give the name of the district in which the parcel being described is located. If the entity holds land in more than one district, grouping the parcels by district will make it easier to summarize the entity's landholdings in Section IV.C.

In Column 2, please provide a legal description accurate to the quarter section, or an assessor's parcel number if your district office so requires.

In Column 3, answer according to the date the entity acquired title to the parcel in question.

In Column 4, place a check in the box which indicates how each parcel is being operated.

In Column 5, give the name and address of the operator or lessee if the land is operated by another party.

In Column 6, the effective date of an agreement is either the date the lease (or any other operation agreement) was entered into, or the effective date as specified in the agreement.

In Column 7, "Number of acres" of each parcel should be rounded to the nearest acre.

Section IV.B: Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section IV.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether you operate the parcel yourself, or whether another party operates the parcel.

Section IV.C: Acreages reported in Sections IV.A and IV.B are summarized here. Please note that if the "total" column of line C.1 exceeds 160 acres, entities other than partnerships, trusts, joint tenancies, and tenancies-in-common must complete Form 7-2198, "Application for Designation of Nonexcess Land," and submit that form to the district with the entity's Form 7-2191. Partnerships, trusts, joint tenancies, and tenancies-in-common which have a total in line C.1 greater than 160 acres must follow the special instructions below to determine whether it is necessary to complete Form 7-2198.

All entities must also complete Form 7-2198 if they own any excess land.

Similarly, if the "total" column of line C.2 exceeds zero and the "total" column of line C.3 exceeds 160 acres, entities other than partnerships, trusts, joint tenancies, and tenancies-in-common must submit Form 7-2199, "Application for Selection of Non-Full-Cost Land." The aforementioned types of entities must follow the special instructions below to determine whether it is necessary to complete Form 7-2199.

All entities that own land subject to an extended recorded contract must also complete a Form 7-2199.

Section V: Please read this section carefully before signing. Note that if the entity is a joint tenancy or tenancy-in-common, all tenants or cotenants must sign the form unless they have provided a written authorization allowing one person to sign for the entity. The statement concerning reporting of changes in information, written leases, and terms of such leases, are requirements of Reclamation law. Also, please note that the entity must give its street address or rural route number. Post office box numbers, attorney's addresses, "c/o" addresses, etc., are not acceptable in place of a street address. A post office box number may be entered only if no other address for the entity exists. If the mailing address

differs from the street address, it is also required; please enter the mailing address on the back of the form.

SPECIAL INSTRUCTIONS FOR PARTNERSHIPS, TRUSTS, JOINT TENANCIES, AND TENANCIES-IN-COMMON: Because the acreage entitlements for partnerships, trusts, joint tenancies, and tenancies-in-common are entirely dependent upon the number of beneficiaries and their individual entitlements, such entities which own and/or lease more than 160 acres of irrigation land should use the following procedure to determine whether it is necessary to complete Form 7-2198 or Form 7-2199:

On a separate sheet of paper, list each part owner or beneficiary identified in Section III of this form, and give each part owner's or beneficiary's status (i.e., qualified recipient or prior law). Also give the number of owned and leased irrigable and irrigation acres which are attributable to the interest held by each part owner or beneficiary. Partnerships must also establish whether the partners' interests are separable. Unless you are completely familiar with acreage limitation law, you should work with your district or nearest Bureau of Reclamation office to determine whether each part owner or beneficiary is within his or her entitlements, and whether it is necessary for the entity to complete Forms 7-2198 and 7-2199. Copies of these papers and computations must be filed in the district office with the entity's reporting forms. Remember that in most cases, each part owner or beneficiary identified in Section III of Form 7-2191 must submit either Form 7-2190, "Individual's Report of Landholdings," or Form 2180, "Individual's Certificate of Landholdings," depending on his or her status and total westwide landholding.

ANY QUESTIONS YOU MAY HAVE SHOULD BE DIRECTED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

PLEASE FOLLOW THE INSTRUCTIONS
CAREFULLY WHEN COMPLETING THIS FORM.
(Attach additional pages if necessary)

For District Use Only: IDCON NO.

MULTIPLE OWNERSHIP REPORT OF LANDHOLDINGS Required by the Reclamation Reform Act of 1982		FORM 7-2191		OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:
SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION				
A. District Name	C. Landholder Name(s)	F. Identification of subsidiaries which hold all or a portion of the irrigation land listed herein.		
B. Type of Entity (Check one) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Tenancy or Tenancy-in-Common <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe)	D. State(s) in which landholder is established or registered (if applicable)	E. Federal employer's identification number (FEIN) (if applicable)	Subsidiary Name(s)	Subsidiary Address(es)
G. Trusts only - enter grantor name(s)				
SECTION II: LANDHOLDER STATUS				
A. Has the district named above, or any other district in which this entity has ever owned or leased irrigation land, amended its contract with the United States to conform to the discretionary provisions of the Reclamation Reform Act of 1982, or entered into a new contract with the United States after October 12, 1982? (If you do not know, please ask a district official)				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
B. Has this entity made an irrevocable election to conform to the discretionary provisions of the Reclamation Reform Act of 1982?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
F YOU ANSWERED "YES" TO EITHER IIA OR IIB, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.				
C. (Trusts only) Is the trust revocable at the discretion of the grantor in such a manner that revocation results in the title to the trusted land reverting either directly or indirectly to the grantor?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
D. (Trusts only) Is the trust revoked or terminated by its terms upon the expiration of a specified period of time in such a manner that revocation or termination results in the title to the trusted land reverting either directly or indirectly to the grantor?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
F YOU ANSWERED "YES" TO EITHER QUESTION IIC OR IID, THE TRUSTED LAND MUST BE ATTRIBUTED TO THE GRANTOR(S) NAMED ABOVE. PLEASE REFER TO THE INSTRUCTIONS FOR THIS SECTION.				
SECTION III: PART OWNER/BENEFICIARY/GRANTOR ATTRIBUTION				
A. Is this entity owned by, or does it benefit, 25 or fewer persons?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
B. Do any of the owners or beneficiaries, or grantors to whom trusted land is attributable, hold an interest greater than 4 percent in this entity which amounts to more than 40 acres through attribution?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
C. If the answers to both IIIA and IIIB above are "no," skip the remainder of this section and proceed to section IV. If the entity has more than 25 owners or beneficiaries, or grantors to whom trusted land is attributable, any such person whose interest in the entity results in an attribution of more than 40 acres, and whose interest in the entity exceeds 4 percent, must be identified here. If there are 25 or fewer owners or beneficiaries, or grantors to whom trusted land is attributable, all such persons must be identified here, regardless of their interest. All persons identified here must complete and submit either form 7-2180, "INDIVIDUAL'S CERTIFICATE OF LANDHOLDINGS," or Form 7-2190, "INDIVIDUAL'S REPORT OF LANDHOLDINGS," unless they directly and/or indirectly own and/or lease 40 acres or less westwide. (Attach additional pages if necessary.)				
Part Owner, Beneficiary, or Grantor Name			Social Security Number	Percentage of Interest Held

SECTION IV: LANDHOLDINGS

A. List all irrigable and irrigation land parcels westwide which this entity owns. If the land is located in more than one district, group the listing of parcels by district to facilitate summarization of acreages in section IV.C. In column 3, check the box that indicates how each parcel is being farmed; check "Self" if this entity farms the parcel, "Lessee" if the entity leases the parcel to another party, and "Other" if the parcel is being farmed by another party under an agreement other than a lease. (Attach additional pages if necessary.)

[illegible]

	Total Acres
B. List all irrigable and frigation land parcels westwide which this entity leases from another party. If the land is located in more than one district, group the listing of parcels by district to facilitate summarization of acreages in section IV.C. (Attach additional pages if necessary.)	

[illegible]

SECTION IV: LANDHOLDINGS (Continued)				
C. Landholding Summary	Number of Acres			Total
	This District	Other Districts		
1. Enter the total number of irrigable and irrigation acres owned (from section IV.A).				
2. Enter the total number of irrigable and irrigation acres leased (from section IV.B).				
3. Total irrigable and irrigation acreage owned and leased (add lines C.1 and C.2).				
PLEASE REFER TO THE INSTRUCTIONS FOR SECTION IV.C TO DETERMINE IF IT IS NECESSARY TO COMPLETE FORM 7-2190 OR FORM 7-2199.				
SECTION V: SIGNATURE				
<p>Attention: This declaration must be signed by an officer or authorized agent of the entity to which this form applies. If the entity is a partnership, joint tenancy, or tenancy-in-common, all partners, tenants, or co-tenants must sign this form unless they have authorized, in writing, another person or persons to sign for them. All part owners and beneficiaries identified in section III must submit either Form 7-2180, "INDIVIDUAL'S CERTIFICATE OF LANDHOLDINGS", or Form 7-2190, "INDIVIDUAL'S REPORT OF LANDHOLDINGS" if they own and/or lease more than 40 acres of irrigable and/or irrigation land westwide. The entity completing this form should inform all such persons, along with any lessors or lessees, of their certification or reporting requirements in order to protect the land's eligibility to receive irrigation water.</p> <p>Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.</p>				
<p>This report is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained on this form is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).</p> <p>Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.</p>				
PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.				
Signature of Officer or Authorized Agent		Office Held		
Other Required Signatures				
Landholder's Street Address or Rural Route Number				
City and State				Zip Code
Telephone Number (include Area Code)				Date

7-2193 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "GOVERNMENTAL AGENCY'S
REPORT OF LANDHOLDINGS," FORM 7-2193

USE OF THIS FORM: This form is to be completed by Federal, State, County, and City government agencies and any other government agencies which own more than 40 acres of "irrigable land" and/or "irrigation land" (as defined on the reverse side of these instructions) westwide, part or all of which land is located in a district which has not conformed to the discretionary provisions of the Reclamation Reform Act of 1982 (RRA). Use this form to declare landholdings in a district that remains subject to prior law; land located in districts that have conformed to the discretionary provisions must be reported using Form 7-2183, "Governmental Agency's Certificate of Landholdings." Government agencies must report irrigable and/or irrigation landholdings which are operated for either revenue-producing or non-revenue-producing functions.

Please refer to the definitions on the reverse side of these instructions whenever the meaning of a term is not clear to you.

Agencies must complete this form for all the irrigable and irrigation land that is owned within a district. If an agency owns irrigable or irrigation land in more than one district, a separate form must be completed for each district and be submitted to the appropriate irrigation district office. If you need extra forms, please contact your district office.

If the agency leases irrigable or irrigation land to or from another individual or entity, we request that the agency inform the lessees or lessors of their obligation to certify or report. Failure to report by either the lessee or lessor will jeopardize the land's eligibility to receive irrigation water.

A reporting agency will not need to complete this form again unless the information reported on this form changes in some way. If such information does change, the agency must verbally notify the district of that change within 15 days of that change, and a new reporting form must be submitted to the district within 30 days of such a change. If this information does not change, a verification to that effect must be signed and submitted annually. Your district will provide a verification form for this purpose each year.

After completing the form, please detach it from these instructions and return it to the office of the district in which the land is located.

Item-by-Item Instructions (Please type or print all answers.)

Section I.A: Give the name of the district in which you are submitting the form. The remainder of Section I is self-explanatory.

Section II: When completing Sections II.A and II.B, do not list the same land parcel more than once. Please refer to the definitions "Description," "Irrigable land," "Irrigation land," and "Effective date of agreement" which can be found on the reverse side of this form. Agencies need not report leases of less than five acres, provided the total acreage leased by the agency to the lessee in question is less than five acres.

"Number of acres" of each parcel should be rounded to the nearest acre.

Enter the name and address of any lessee or operator where indicated, and place a check in the appropriate column to indicate whether the party named is a lessee or an operator. Please refer to the definitions of "lease" and "operator" on the reverse side of these instructions, as necessary.

Section III: This section is self-explanatory. Please read it carefully and sign it. The statements concerning written leases and the terms of such leases are requirements of the RRA.

ANY QUESTIONS YOU MAY HAVE SHOULD BE DIRECTED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

DEFINITIONS

Following are the definitions of some of the terms used in these forms and instructions. Please refer to these definitions whenever the meaning of a term is not clear to you.

Description: This refers to a legal description of the land in question, or a county assessor's parcel number if your district so requires. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2188 and 7-2189. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M.," or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to sections 203-208 of the Reclamation Reform Act, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities, are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under a lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use and possession of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*. See also definition of "term of lease."

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to Sections 209-230 of the Reclamation Reform Act of 1982. These provisions cover a wide range of topics and apply to all Reclamation Districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator of a given parcel may be the owner, a lessee, a sublessee, a contract operator, or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limitation law.

Reclamation Reform Act of 1982 (RRA): An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased ownership entitlement and full-cost pricing provisions of the new law. The new law also directs the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

BUREAU OF RECLAMATION FOLLOW THE INSTRUCTIONS CAREFULLY WHEN COMPLETING THIS FORM. (Attach additional pages if necessary)					
GOVERNMENTAL AGENCY'S REPORT OF LANDHOLDINGS Required by the Reclamation Reform Act of 1982			FORM 7-2193	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:	
SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION					
A. District Name	C. Level of Government of Landholder (Check one)				
B. Name of Agency Which Holds (Owns or Leases) Land	<input type="checkbox"/> Federal				
	<input type="checkbox"/> State (Identify) _____				
	<input type="checkbox"/> County (Identify With State Name) _____				
	<input type="checkbox"/> City (Identify with County and State Name) _____ <input type="checkbox"/> Other (Describe) _____				
SECTION II: LANDHOLDINGS					
A. List the irrigable and irrigation land parcels this agency owns in this district which are not operated by or leased to another party or parties.				Description of Irrigable and Irrigation Land	Number of Acres
				Total Acres	
B. List the irrigable and irrigation land parcels this agency owns in this district which are operated by or leased to another party or parties.					
Lessee's or Operator's Name and Address	Lessee	Operator	Description of Irrigable and Irrigation Land	Effective Date Of Agreement	Number of Acres
				Total Acres	
Continued on Page 2					

[illegible]

Attention: This form must be signed by an official or authorized agent of the reporting agency. Read the following paragraphs before signing this form.

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

I attest that the information provided herein is true, accurate, and complete to the best of my knowledge and agree that any change in the information in this report will be provided verbally to the district first named within 15 days of such occurrence, and in writing within 30 days of such occurrence. I also attest that any leases of land and receiving irrigation water to which this agency is a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years.

Signature of Official or Authorized Agent

Office Held

Date _____

Address

City and State

Zip Code

Telephone Number (Include Area Code)

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE

This report is required by Public Law 97-293. Failure to report can result in loss of water deliveries from Federal Reclamation projects. Information obtained in this report is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or your irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).

7-2194 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR "RELIGIOUS OR CHARITABLE ORGANIZATION'S
REPORT OF LANDHOLDINGS," FORM 7-2194

USE OF THIS FORM: This form is to be completed by religious or charitable organizations which own and/or lease more than 40 acres of "irrigable land" and/or "irrigation land" (these terms are defined on the pages following these instructions) westwide and which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954. This includes parishes, congregations, schools, wards, or similar nonprofit organizations.

Please refer to the definitions which follow these instructions whenever the meaning of a term is not clear to you.

If the organization owns and/or leases irrigable and/or irrigation land in more than one Reclamation project district, give information on all landholdings in all the districts on this form. The organization must also complete and submit this form in each district in which it owns or leases land, giving all the information about its landholdings each time the form is submitted. If you need extra forms, please contact your district office. If desired, the organization may make copies of Sections III.A, III.B, and III.C of this form to turn in with the 7-2194 forms submitted to other districts, rather than rewriting these sections each time.

The reporting organization will not need to complete this form again unless its landholdings change in some way. If its landholdings do change, the organization must notify the district office verbally within 15 days of that change, and a new reporting form must be submitted within 30 days of such a change. If the landholdings do not change, a verification to that effect must be provided annually. Your district will provide a verification form for this purpose each year.

Please be aware that the completion of this form does not guarantee the organization's eligibility for irrigation water. For example, any land acquired from excess status without Federal price approval is ineligible for Reclamation project water deliveries.

Item-by-Item Instructions (Please type or print all answers.)

Begin by detaching the form from these instructions.

Section I: Give the name of the district in which you are submitting this form. The landholder's name should be the name in which the land is owned or leased. The remainder of Section I is self-explanatory.

Section II: The purpose of questions II.A and II.B is to determine whether the organization is subject to the discretionary provisions of the Reclamation Reform Act of 1982 and if you should continue to complete this form. IF YOU ANSWER "YES" TO EITHER QUESTION II.A OR II.B, DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.

The purpose of questions II.C, II.D, and II.E is to determine the organization's status under Reclamation law. IF YOU ANSWER "YES" TO ANY OF QUESTIONS II.C, II.D, OR II.E, CONTACT YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE FOR FURTHER GUIDANCE.

Section III: Use Section III.A to report all irrigable and irrigation land in which the organization owns a 100% interest. Use Section III.B to report all irrigable and irrigation land leased from other parties by the organization or by entities in which the organization owns a 100% interest. Use Section III.C to describe your organization's interest as a part owner or beneficiary of an entity or entities which own or lease irrigable or irrigation land. Any such irrigable and/or irrigation land, whether within or outside of the district in which you are submitting this form, must be listed in Section III. If you are unsure about whether a parcel must be considered "irrigable land" or "irrigation land," please refer to the definitions on the pages following these instructions. If you are still unsure, contact the office of the district in which the land is located or your nearest Bureau of Reclamation office for assistance.

Section III.A: In Column 1, give the name of the district in which the parcel being described is located. If the organization holds land in more than one district, grouping the parcels by district will make it easier to summarize the organization's landholdings in Section III.D.

In Column 2, please provide a legal description accurate to the quarter section, or an assessor's parcel number if your district so requires.

In Column 3, "Was land acquired after December 6, 1979?" must be answered for each parcel of owned land.

In Column 4, place a check in the box which indicates how each parcel is being operated.

In Column 5, if any irrigable or irrigation land owned by this organization is operated or leased by a party other than this organization or another division of this organization, enter that operator's or lessee's name and address.

In Column 6, please refer to the definition of "Effective date of agreement" which follows these instructions.

In Column 7, "Number of acres" of each parcel should be rounded to the nearest acre.

Section III.B: Section III.B is similar to Section III.A except that it applies to land the organization leases from another party. Enter the district name, legal description, effective date of agreement, and number of acres for each leased parcel as discussed in the instructions for Section III.A above.

In Column 3, enter the name of the owner of each parcel.

In Column 4, indicate whether the organization (or some division of the organization) operates each parcel itself, or whether another party operates the parcel.

If the organization does not hold a part interest in any entities that hold irrigable or irrigation land, skip Section III.C and proceed to Section III.D.

Section III.C: In Column 1, print the name of the district in which the entity holds irrigable or irrigation land. It is recommended that all holdings of entities in one district be listed before starting with holdings in other districts. Grouping your listings "by district" rather than "by entity" will make it easier for you to complete the summary in Section III.D.

In Column 2, print the correct name of the entity(s) in which the organization holds an interest. Do not include entities that have more than 25 part owners or beneficiaries if the organization's interest is 4 percent or less, or amounts to 40 acres or less. If the entity has holdings in more than one district, you may need to enter the entity's name more than once.

In Columns 3 and 4, enter each entity's Federal Employer's Identification Number, if applicable, and check the box that most accurately describes the entity. The heading "DISCRETIONARY TRUST" refers to a trust that is subject to the discretionary provisions of the RRA; a corporation, partnership, joint tenancy, or any other entity subject to the discretionary provisions would fall under the heading "OTHER DISCRETIONARY." Similarly, the heading "PRIOR LAW CORPORATION" refers to a corporation that remains subject to prior law; all other prior law legal entities such as trusts, partnerships, etc., fall under the heading "OTHER PRIOR LAW."

In Column 5, enter the number of irrigable and/or irrigation acres owned by each entity in each district to the nearest acre.

In Column 6, answer according to the date the legal entity acquired the land, or according to the date the organization acquired an interest in the entity, whichever is later.

In Column 7, enter the number of irrigable and irrigation acres leased by each entity in each district to the nearest acre.

In Column 8, enter the percentage interest the organization holds in each entity.

In Column 9, multiply the acreage from Column 5 by the percentage (in decimal form) from Column 8. For example, if Column 5 reads "160" (acres) and Column 8 reads "50" percent, the correct entry in Column 9 would be "80." Column 10 uses a similar procedure; in Column 10, multiply the acreage from Column 7 by the percentage in Column 8.

Section III.D: Acreages reported in Sections III.A, III.B, and III.C are summarized here. Columns are provided for up to five other districts in which you may hold irrigable or irrigation land.

Please note that if the "total" column of line D.3 exceeds 160 acres, or if any excess land is owned, the organization must submit Form 7-2198, "Application for Designation of Nonexcess Land" with this form.

If the total leased acreage in line D.6 is greater than zero, and the total owned and leased acreage in line D.7 exceeds 160 acres, the organization must submit Form 7-2199, "Application for Selection of Non-Full-Cost Land" with this form.

Section IV: This section is self-explanatory. Please read it carefully before signing it. The statements concerning reporting of changes in information, written leases, and the terms of such leases are requirements of Reclamation law.

The local street address or rural route number of the organization is required. Attorneys' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. Post office box numbers may be used only if no other address exists. If the organization's mailing address differs from its street address, it is also required; please enter the mailing address on the back of the form.

ANY QUESTIONS YOU MAY HAVE SHOULD BE ADDRESSED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

DEFINITIONS

Following are the definitions of some of the terms used in this form and instructions. Please refer to these definitions whenever the meaning of a term is not clear to you.

Contract operator: An individual or legal entity other than the owner, lessee, or sublessee that performs part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom Social Security is paid. (See definition of "Operator.")

Description: This refers to a legal description of the land in question, or a county assessor's parcel number, if your district so requires. In a legal description, detail beyond the quarter section is not necessary, except on Forms 7-2198 and 7-2199. Thus, an example of a legal description might read either "SE 1/4, Section 22, T3N, R2W, 3rd P.M.," or "APN 026-051-28."

Discretionary provisions of the Reclamation Reform Act of 1982: This refers to sections 203-208 of the Reclamation Reform Act, which provide for increased ownership entitlements and full-cost pricing of water. Districts and individuals may, at their discretion, choose to become subject to the discretionary provisions, or to remain subject to prior acreage limitation law.

District or Irrigation district: Any entity which has a contract with the United States for the delivery of Reclamation project water. The term "District," as used in these forms, could refer to a canal company, irrigation company, water user association, ditch company, water company, drainage district, etc.

Effective date of agreement: The effective date of a farm operation agreement or lease is either the date the agreement was entered into or the effective date as specified in the agreement.

Excess land: Irrigable land, other than exempt land, owned by any landowner in excess of the maximum ownership limitation under the applicable provisions of Reclamation law.

Federal Employer's Identification Number (FEIN): A unique number assigned to businesses by the Internal Revenue Service.

Irrevocable election: A legally binding decision by a landholder to conform to the discretionary provisions of the Reclamation Reform Act of 1982. An irrevocable election becomes official when a landholder submits an irrevocable election form to the Bureau of Reclamation. If an entire district elects to amend its contract to conform with the acreage entitlement and pricing provisions of the Reclamation Reform Act of 1982, all direct landholders in the district are automatically subject to these provisions without making an irrevocable election. A landholder is subject to prior law until either an irrevocable election is made or the district amends its contract to conform to the discretionary provisions of the Reclamation Reform Act of 1982.

Irrigable land: Land which is part of a specific Reclamation project and for which a Reclamation project water supply is, can be, or is planned to be provided. Areas occupied by homesites, farm buildings, permanent feedlots, permanent equipment storage yards, public roads, and other permanent facilities are not included in irrigable acreage.

Irrigation land: All irrigable land (see preceding definition) receiving irrigation water, and other land receiving irrigation water.

Irrigation water: Water made available for agricultural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary of the Interior.

Landholding: Land served with irrigation water which is owned and/or operated under a lease by an individual or legal entity.

Lease: Contract by which one party gives to another the use and possession of land for a specified time and for agreed upon payments, and by which the lessee assumes the economic risk in the operation and management of the leased land. The Reclamation Reform Act of 1982 requires that all leases of land receiving irrigation water *must be written*, and available for the Department of the Interior's inspection. See also definition of "Term of lease."

Legal entity: Any business or property ownership arrangement established under State or Federal law including, but not limited to, corporations, partnerships, associations, joint tenancies, and tenancies-in-common.

Nondiscretionary or Self-enacting provisions of the Reclamation Reform Act of 1982: This refers to sections 209-230 of the Reclamation Reform Act. These provisions cover a wide range of topics and apply to all Reclamation districts.

Operator: An individual or legal entity that conducts farming operations by either doing or supervising all or a portion of the work. The operator of a given parcel may be the owner, a lessee, a sublessee, a contract operator, or a combination of the above.

Prior law: The Reclamation Act of 1902 and other laws which were in effect before the Reclamation Reform Act of 1982 was enacted, and which address acreage limitation law.

Reclamation Reform Act of 1982: An act signed into law by President Reagan on October 12, 1982, which gave districts and individuals the option of remaining subject to prior Reclamation law or electing to become subject to the increased acreage entitlement and full-cost pricing provisions of the new law. The new law also permits the Secretary of the Interior to collect the information on landholdings necessary to administer acreage limitation law.

Term of lease: For leases which were in effect on October 12, 1982, the term of the lease refers to the time remaining on the lease on that date. For leases which went into effect after October 12, 1982, this refers to the actual term of the lease on the day it went into effect.

Westwide: The 17 Western States in which Reclamation projects are located. Upon your request, the Bureau of Reclamation or your district can provide a list of all districts westwide which are subject to Reclamation law.

RELIGIOUS OR CHARITABLE ORGANIZATION'S REPORT OF LANDHOLDINGS Required by the Reclamation Reform Act of 1982		FORM 7-2194	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:			
SECTION I: DISTRICT AND LANDHOLDER IDENTIFICATION						
District Name	State in Which Landholder is Registered	Other names, or names of entities, in which this organization holds irrigable or irrigation land (include only the entities in which this organization owns 100 percent of the stock or interest)				
Landholder Name	Central Organization to Which Landholder is Affiliated (if Any)					
SECTION II: LANDHOLDER STATUS						
A. Has this organization ever directly owned or leased irrigation land in any district which has amended its contract with the United States for conformance to the discretionary provisions of the Reclamation Reform Act of 1982, or has entered into a new contract with the United States after October 12, 1982? (If you do not know, please ask a district official) <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>						
B. Has this organization made an irrevocable election to conform to the discretionary provisions of the Reclamation Reform Act of 1982? <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>						
F YOU ANSWERED "YES" TO EITHER QUESTION "A" OR "B" ABOVE DO NOT COMPLETE THIS FORM. CONTACT YOUR DISTRICT OFFICE TO OBTAIN THE PROPER FORM.						
C. Is any part of this organization's agricultural produce or the proceeds of the sales of such produce used for other than charitable purposes? <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>						
D. Is any irrigable or irrigation land owned or leased by this organization farmed by a party other than this organization or a more central organization of the same faith? <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>						
E. Does any part of this organization's net earnings accrue to the benefit of any private shareholder or individual? <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>						
F YOU ANSWERED "YES" TO ANY OF THE THREE PRECEDING QUESTIONS, CONTACT YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE FOR FURTHER GUIDANCE						
SECTION III: LANDHOLDINGS						
A. List all irrigable and irrigation land parcels westwide in which a 100 percent interest is owned by this organization. If the land is located in more than one district, group your listing of parcels by district to facilitate your summarization of acreages in section III.D. In column 3, check the box that indicates how each parcel is being farmed; check "Self" if this organization farms the parcel, "Lessee" if this organization leases the parcel to another party, and "Other" if the parcel is being farmed by another party under an agreement other than a lease. (Attach additional pages if necessary)						
(1) District Name	(2) Legal Description of Irrigable And Irrigation Land	(3) Was Land Acquired After 12/06/79?	(4) Operated By:	(5) Name and Address of Lessee or Other Party Operating Each Parcel	(6) Effective Date Of Agreement	(7) Number Of Acres
		<div style="display: flex; justify-content: space-between;"> Yes No </div>	<div style="display: flex; justify-content: space-between;"> Self Lessee Other </div>			
Total Acres						

SECTION III: LANDHOLDINGS (Continued)

D. Landholding Summary	Number of Acres				Total
	This District	Other Districts			
1. Enter the total number of irrigable and irrigation acres owned (from Section III.A).					
2. Enter the total number of irrigable and irrigation acres owned through entities (if any) as reported in Section III.C, Column 9.					
3. Total irrigable and irrigation acreage owned (add lines D.1 and D.2).					
4. Enter the total number of irrigable and irrigation acres leased (from Section III.B).					
5. Enter the total number of irrigable and irrigation acres leased through entities (if any) as reported in section III.C, Column 10.					
6. Total irrigable and irrigation acreage leased (add lines D.4 and D.5).					
7. Total irrigable and irrigation acreage owned and leased (add lines D.3 and D.6).					

If the "Total" column of line D.3 exceeds 160 acres, or if the organization owns any excess land, you must complete form 7-2198, "APPLICATION FOR DESIGNATION OF NONEXCESS LAND."

If the "Total" column of line D.6 is greater than zero, and if the "Total" column of line D.7 exceeds 160 acres, you must complete Form 7-2199, "APPLICATION FOR SELECTION OF NON-FULL-COST LAND." Form 7-2199 must also be completed if the organization owns land subject to an extended recordable contract.

SECTION IV: SIGNATURE

Attention: This certificate must be signed. Read the following paragraphs before signing.

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

I attest that the information provided herein is true, accurate, and complete to the best of my knowledge and agree that any change in the information contained in this report will be provided verbally to the district first named within 15 days of such change, and that new forms will be submitted within 30 days of such change. I also attest that any leases of land receiving irrigation water to which this organization is a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years. I further attest that all irrigable and irrigation landholdings of this organization, whether held directly or through entities, have been reported on this form.

Signature of officer or authorized agent of the reporting organization

Organization's Street Address or Rural Route Number

City and State

Zip Code

Telephone Number (include area code)

Date

This report is required by Public Law 97-293. Failure to report can result in prosecution and/or loss of water deliveries from Federal Reclamation projects. Information obtained in this report is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

7-2195 (6-88)
Bureau of Reclamation

INSTRUCTIONS FOR
"LEASING CHANGE FORM," 7-2195

USE OF THIS FORM: This form is to be used by lessees who have previously submitted Form 7-2190, 7-2191, or 7-2194, to indicate that they have terminated or altered leases previously reported, or to indicate that they have entered into new leases. The lessee may submit this form rather than resubmitting Form 7-2190, 7-2191, or 7-2194 to report a change in leaseholdings. If this form is used, the lessee must obtain the signatures of all landowners involved, thereby indicating the landowners' concurrence with the information supplied. This will satisfy the requirement that landowners must also report changes in their operating arrangements.

Any change in information previously reported other than a leasing change requires the submission of a new Form 7-2190, 7-2191, or 7-2194.

The lessee has 15 days in which to report a leasing change at least verbally to the district in which the land is located. However, within 30 days of any leasing change, the lessee must submit this form (or a completely new reporting form) to all districts in which he or she holds irrigable or irrigation land.

IMPORTANT NOTE FOR ENTITIES THAT ORIGINALLY SUBMITTED FORM 7-2191: If the leasing change being reported on this form results in a net increase in leased acreage, part owners and beneficiaries identified on the entity's Form 7-2191 must submit new individual certification or reporting forms within 30 days of the landholding change. If the leasing change results in no net change or a net decrease in leased acreage, part owners and beneficiaries need not complete new forms unless their full-cost acreage is affected.

Item-by-Item Instructions (Please type or print all answers.)

Section I: Names and other information presented here must correspond precisely to that presented in the most recently submitted reporting form. Begin by printing the name of the district in which this form is being submitted. Individuals should enter their name and social security number, and, if married, their spouse's name and social security number. If the landholder is an entity, enter the entity name and Federal Employer's Identification Number (FEIN), if applicable, in the indicated spaces.

Also check the form number of your most recent reporting form (other than Form 7-2195) and the date you signed that form.

Section II: This section is separated into two subsections. Subsection II.A is to be used to report leases which are being terminated or in which the leased acreage is being reduced. Subsection II.B is to be used to report new leases, or increases in acreage under existing leases.

In describing the irrigable or irrigation land, please refer to the definitions of "Description," "Irrigable land," and "Irrigation land" which can be found in the front of this booklet.

The "termination date" is the date a lease ends or is broken. The "effective date" is either the date a lease was entered into or another effective date which may be specified in the lease.

"Number of acres" of each parcel should be rounded to the nearest acre.

In Section II.B, indicate whether you are operating each parcel yourself or whether another party is operating the parcel, by placing a check in the appropriate box.

Section III: The acreage entered in item III.A should agree with the information submitted on your most recent reporting form. The acreage entered in item III.B should also be based on the data from your most recent reporting form, as modified by the changes you have submitted on this form.

For individuals, families, and entities other than partnerships, trusts, joint tenancies, and tenancies-in-common, Form 7-2199, "Application for Selection of Non-Full-Cost Land" must be completed if item III.B is greater than zero, and if item III.C is greater than 160 acres (320 acres for a married couple, if each spouse holds an equal interest). Partnerships, trusts, joint tenancies, and tenancies-in-common must refer to the following special instructions to determine whether it is necessary to complete Form 7-2199. If Form 7-2199 is completed, attach it to Form 7-2195 for submittal to the office of each district in which you hold irrigable or irrigation land.

SPECIAL INSTRUCTIONS FOR PARTNERSHIPS, TRUSTS, JOINT TENANCIES, AND TENANCIES-IN-COMMON: Because the acreage entitlements for partnerships, trusts, joint tenancies, and tenancies-in-common are entirely dependent upon the number of beneficiaries and their individual entitlements, such entities which own and/or lease more than 160 acres of irrigable and/or irrigation land should use the following procedure to determine whether it is necessary to complete Form 7-2199:

On a separate sheet of paper, list each part owner or beneficiary identified in Section III of the entity's Form 7-2191, and give each part owner or beneficiary's status (i.e., qualified recipient or prior law). Also give the number of owned and leased irrigable and irrigation acres which are attributable to the interest held by each part owner or beneficiary. Partnerships must also establish whether the partners' interests are separable. Unless you are completely familiar with acreage limitation law, you should work with your district or nearest Bureau of Reclamation office to determine whether each part owner or beneficiary is within his or her entitlements, and whether it is necessary for the entity to complete Form 7-2199. Copies of these papers and computations must be filed in the district office with the entity's reporting forms. (If this procedure was completed when the entity previously reported, you need only to update it to reflect the changes now being reported.)

Section IV: The lessee must sign the declaration in Section IV.A and provide all other information requested there.

Individuals and families (as defined on the first page in this booklet) must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. Post office box numbers may be used only if no street address or rural route number exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address where indicated.

The lessee must also obtain the signatures of any landowners named in this form. This includes both the landowners with whom you are terminating leases as well as those with whom you are entering into new leases. By signing this form, the landowners will satisfy their requirement to report changes in their operating arrangements.

The statements concerning the reporting of changes in information, written leases, and the terms of such leases are requirements of the Reclamation Reform Act of 1982.

ANY QUESTIONS YOU MAY HAVE SHOULD BE DIRECTED TO YOUR DISTRICT OR NEAREST BUREAU OF RECLAMATION OFFICE.

SECTION IV: SIGNATURES

Attention: The lessee, and all landowners identified in sections II.A and II.B of this form, must sign this form. Please read the following paragraph before signing.
Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

A. LESSEE

I (we) attest that the information provided herein is true, accurate, and complete to the best of my (our) knowledge and agree that any change in the information in this report will be provided verbally to the district first named within 15 days of such change, and in writing within 30 days of such change. I also attest that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years.

Signature of Lessee or Authorized Agent

Date

Spouse's Signature or Other Required Signature(s)

Date

Agent's Title or Office Held, and Name of Entity, If Applicable

Residential Street Address

City and State

Telephone Number (Include Area Code)

Mailing Address, if Different From Residential Street Address

This report is required by Public Law 97-293. Failure to report can result in loss of water deliveries from Federal Reclamation projects. Information obtained in this report is protected by the Privacy Act of 1974 and will be used to administer the acreage limitation provisions of Reclamation law. The Secretary of the Interior or the irrigation district may require additional information in order to administer these laws. The Secretary may also require a copy of your lease(s).

Disclosure of the Social Security Number is voluntary. It is requested on this form to facilitate processing and recordkeeping by the irrigation district and the Bureau of Reclamation.

PLEASE RETURN THIS FORM TO THE APPROPRIATE IRRIGATION DISTRICT OFFICE.

B. LANDOWNER(S)

I (we), the undersigned landowner(s), attest that the information contained herein concerning land I (we) own is true and accurate. I (we) further attest that any leases of land receiving irrigation water to which I (we) am (are) a party are (1) written, and (2) have terms which do not exceed 10 years except with the approval of the Bureau of Reclamation in regard to perennial crops, but which in no case exceed 25 years.

LANDOWNER 1

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (If Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (If Applicable)

LANDOWNER 2

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (If Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (If Applicable)

LANDOWNER 3

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (If Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (If Applicable)

LANDOWNER 4

Signature of Landowner(s) or Authorized Agent

Signature of Spouse (If Land is Held Jointly)

Signator's Title or Office Held and Name of the Entity Which Owns the Referenced Land (If Applicable)

7-2197 (6-88)
Bureau of Reclamation

VERIFICATION OF LANDHOLDINGS (REPORTING)

INSTRUCTIONS

If the landholdings previously described on reporting forms have not changed since those forms were submitted, the landholder(s) must verify that the information contained on those forms remains valid. This must be done on an annual basis as a precondition for the receipt of Reclamation project water in any given water year. Part owners and beneficiaries of an entity which holds irrigable or irrigation land may be required to sign the entity's verification form. However, such part owners and beneficiaries need not complete separate verification forms, unless they hold other irrigable or irrigation land in their own names. The landholder name(s) entered on this form must match exactly the landholder name(s) which appear on any previously submitted reporting form. Questions should be referred to your irrigation district or nearest Bureau of Reclamation office.

Individuals and families must give the street address or rural route number of their residence. Similarly, legal entities must give their street address or rural route number. Post office box numbers, attorneys' addresses, relatives' addresses, "c/o" addresses, etc., are not acceptable in place of a street address. However, post office box numbers may be used if no other address for the landholder exists. If the mailing address differs from the residential address, it is also required; please enter the mailing address where indicated.

All landholders must answer the following questions:

District Name: _____

Previously submitted reporting form: (Check one)

- ☐ 7-2190, "Individual's Report of Landholdings"
- ☐ 7-2191, "Multiple Ownership Report of Landholdings"
- ☐ 7-2193, "Governmental Agency's Report of Landholdings"
- ☐ 7-2194, "Religious or Charitable Organization's Report of Landholdings"

During the preceding water year, the land parcels described on your previously submitted reporting form(s) were operated by: (check all that apply)

- ☐ 1. The landholder completing this form.
- ☐ 2. A lessee or sublessee of the landholder completing this form.
- ☐ 3. A contract operator or operators (Individuals or legal entities other than the owner, lessee, or sublessee that perform part or all of the farming operations. Excepted are spouses, minor children, and hired employees for whom Social Security is paid).

If you checked item 3 above, list all contract operators employed during the past water year, their telephone numbers, the services the contract operators provided (i.e., farm management services, pesticide application, harvesting, etc.), and the approximate acreage associated with each operator:

Operator Name	Telephone Number	Service(s) Provided	Approximate Acreage Operated
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Continued on reverse)

If the landholder completing this form is not a trust, skip the following section and complete the remainder of this form. All trusts must complete the following section.

TRUSTS ONLY:

1. The trust instrument is: ☐ revocable (check one)
☐ irrevocable

If the trust is irrevocable, skip questions 2 and 3 below and complete the remainder of this form. Revocable trusts must answer the following questions.

2. Is the trust revocable at the discretion of the grantor in such a manner that revocation results in the title to the trusted land reverting either directly or indirectly to the grantor? ☐ yes
☐ no
3. Is the trust revoked or terminated by its terms upon the expiration of a specified period of time in such a manner that revocation or termination results in the title to the trusted land reverting either directly or indirectly to the grantor? ☐ yes
☐ no

If the answer to either question 2 or 3 above is "yes," then new certification or reporting forms must be submitted which attribute the trusted land to the grantor.

I ATTEST THAT THE INFORMATION I SUBMITTED CONCERNING THE LANDHOLDINGS OF _____ (NAME OF LANDHOLDER)

ON THE REPORTING FORM DATED _____ REMAINS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. ALSO, I ATTEST THAT I HAVE CORRECTLY IDENTIFIED ALL OPERATOR(S) (OTHER THAN THE LANDHOLDER NAMED ABOVE) OF ALL LAND OWNED AND LEASED BY THE LANDHOLDER NAMED ABOVE.

 Signature of Landholder(s) or Authorized Agent

 Signature of Spouse

 Other required signatures

 Signator's Title or Office Held
 (If applicable)

 Name of Entity (If applicable)

 Landholder's Residential Address

 City and State

 Zip Code

() _____
 Telephone Number

 Date

 Mailing Address (If different from residential address)

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

7-2198 (8-88)
Bureau of Reclamation

APPLICATION FOR DESIGNATION OF NONEXCESS LAND (For individuals and entities subject to prior law)		FORM 7-2198	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:
<p>Instructions: The instructions on the reporting form or forms you have completed will indicate whether or not you must complete this form. For your convenience, we have summarized below the conditions which require the completion of this form.</p> <p>1. Individuals, corporations, and any entities which benefit more than one individual must complete this form if more than 160 acres of irrigable and/or irrigation land are owned. However, partnerships, joint tenancies, tenancies-in-common, and trusts may be exempted from this requirement if the Bureau of Reclamation makes a specific determination that the particular entity in question owns no excess land, based on the information provided on Form 7-2191, "Multiple Ownership Report of Landholdings."</p> <p>2. Married couples who own all their irrigable and/or irrigation land in a joint tenancy or other form of ownership in which each spouse has an equal interest must complete this form if more than 320 acres of irrigable and/or irrigation land are owned. If the spouses' interests are not equal, and if more than 160 acres of irrigable and/or irrigation land are owned, contact your district or Bureau of Reclamation office.</p> <p>3. Any party that owns land that must be considered excess either because it was acquired from excess status or for other reasons, must report such land on the back of this form.</p> <p>The amount of land you may declare nonexcess depends on many factors, such as you status under the law, the type of organization which owns the land, the date the land was acquired, etc. You should work with your irrigation district (or districts) or nearest Bureau of Reclamation Office to complete this form properly.</p> <p>All descriptions of land on this form should be full legal descriptions. Include the assessor's parcel number, if available. Acreages should be rounded to the nearest acre.</p>		Landholder's Name(s)	
		Landholder's Address	
		District to which this form is being submitted:	
<p>Landholder's Status (Check one)</p> <p> <input type="checkbox"/> Individual <input type="checkbox"/> Married Couple <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Tenancy or Tenancy-in-Common <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe) _____ </p>			
<p>Description of irrigable and/or irrigation land you wish to declare nonexcess. Include an explanation of any special reasons a particular parcel should be considered nonexcess. If you are listing parcels located in more than one district, group the parcels by district. (Attach additional pages if necessary.)</p>			
District Name	Full Legal Description of Irrigation Land	Number of Acres	
Total Nonexcess Acreage			

Continued on Page 2

Description of all excess land you own westwide. In the column indicated, give an explanation of the status of the land, i.e., under recordable contract, not being irrigated, receiving nonproject water, etc. Round acreages to the nearest acre. If you are listing parcels located in more than one district, group the parcels by district. (Attach additional pages if necessary.)

7-2199 (6-88)
Bureau of Reclamation

APPLICATION FOR SELECTION OF NON-FULL-COST LAND (For individuals and entities subject to prior law.)		FORM 7-2199	OMB CLEARANCE NO.: 1006-0005 EXPIRATION DATE:
<p>Instructions: The instructions on the reporting form or forms you have completed will indicate whether or not you must complete this form.</p> <p>You should work with your irrigation district (or districts) or nearest Bureau of Reclamation office to complete this form properly. The amount of land you may declare non-full-cost depends on many factors, such as your status under the law, the type of organization which owns the land, etc. You may select either owned or leased irrigable or irrigation land as non-full-cost, up to your non-full-cost entitlement. Irrigation land you select as non-full-cost on this form cannot be changed until the next water year. Once you have completed your non-full-cost entitlement in any water year, any additional land you purchase or lease from another party during that water year can receive irrigation water only at full cost. (Note: Irrigable land not receiving irrigation water does not count against your non-full-cost entitlement, but must still be listed here to establish your non-full-cost selection for this water year.)</p> <p>It is strongly recommended that the party selecting land to pay full cost notify any lessor or lessee of that land's status.</p> <p>All descriptions of land on this form should be full legal descriptions. Include the assessor's parcel number, if available. Acreages should be rounded to the nearest acre.</p> <p>When you have completed this form, submit a copy with your reporting form(s) to each district in which you hold irrigation or irrigable land.</p>		Landholder's Name(s)	
		Landholder's Address	
		District to which this form is being submitted: Landholder's Status (Check one) <input type="checkbox"/> Individual <input type="checkbox"/> Married Couple <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Tenancy or Tenancy-in-Common <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe) _____	
Description of irrigation land you have selected to receive irrigation water at non-full-cost rates. If your total acreage receiving irrigation water at non-full-cost rates exceeds 160 acres (320 acres for a married couple holding equal interests), explain why any such acreage should not be charged full cost, if you are listing parcels located in more than one district, group the parcels by district. (Attach additional pages if necessary.)			
District Name	Full Legal Description of Irrigation Land	Number of Acres	
Total Acreage Receiving Irrigation Water at Non-Full-Cost Rates			

Continued on Page 2

Description of irrigable land held in excess of your entitlement that is not receiving Federal project irrigation water. Check the appropriate column to indicate whether the parcel is not being irrigated or is being irrigated with a nonproject water supply. (Attach additional pages if necessary.)

District Name	Full Legal Description of Irrigable Land	Land Status		Number of Acres
		Not Irrigated	Receiving Nonproject Water	
		Total irrigable acreage not receiving Federal project irrigation water		
Description of irrigation land for which you will pay full cost. If you are listing parcels located in more than one district, group the parcels by district. (Attach additional pages if necessary.)				
District Name	Full Legal Description of Irrigation Land			Number of Acres
			Total full-cost acres	
Signature of Landholder or Authorized Agent		Spouse's Signature		
Agent's Title (If Applicable)		Other Required Signature		
Other Required Signature		Other Required Signature		
		City and State		
		Landholder's Street Address or Rural Route Number		
		Date		

[FR Doc. 88-19366 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-09-C

National Park Service

[FES 88-23]

Availability of the Final Environmental Impact Statement, Arctic National Park and Preserve, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation Gates of the Arctic National Park and Preserve, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Gates of the Arctic National Park and Preserve, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Gates of the Arctic National Park and Preserve Headquarters in Fairbanks, Alaska; telephone: (907) 456-0281; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

James W. Stewart,
Associate Director, Planning and Development.

Date: August 15, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-19394 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

[FES 88-20]

Availability of the Final Environmental Impact Statement; Wilderness Recommendation Bering Land Bridge National Preserve, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation Bering Land Bridge National Preserve, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Bering Land Bridge National Preserve, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Bering Land Bridge National Preserve Headquarters in Nome, Alaska; telephone: (907) 443-2522; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

Jacob J. Hogland,

Acting Associate Director, Planning and Development.

Approved:

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

Date: August 15, 1988.

[FR Doc. 88-19395 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Assessment; Chevron U.S.A., Inc.; Jean Lafitte National Historical Park, Louisiana

Notice is hereby given in accordance with § 9.52(b) of Title 36, Part 9, Subpart B, of the Code of Federal Regulations of the availability of an oil and gas Plan of Operations and Environmental Assessment submitted by Chevron U.S.A., Incorporated, for the purpose of removing of LL&E LS.1 Well 4, Barataria Unit, Jean Lafitte National Historical Park.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Jean Lafitte National Historical Park, 423

Canal Street—Room 210, New Orleans, Louisiana 70130-2341, and the Southwest Regional Office, National Park Service, 1220 South St. Francis Drive, Room 346, Santa Fe, New Mexico. Copies are available from the Southwest Regional Office, P.O. Box 728, Santa Fe, New Mexico 87504-0728, and will be sent upon request.

Date: August 16, 1988.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 88-19401 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

[FES 88-21]

Availability of the Final Environmental Impact Statement; Wilderness Recommendation; Kenai Fjords National Park, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation Kenai Fjords National Park, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Kenai Fjords National Park, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Kenai Fjords National Park Headquarters in Seward, Alaska; telephone: (907) 224-3874; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

Jacob J. Hoogland,

Acting Associate Director, Planning and Development.

Approved:

Date: August 15, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-19396 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

[FES 88-24]

Availability of the Final Environmental Impact Statement; Wilderness Recommendation; Lake Clark National Park and Preserve, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation Lake Clark National Park and Preserve, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Lake Clark National Park and Preserve, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Lake Clark National Park and Preserve Headquarters at 701 C Street, Box 61, Anchorage, Alaska; telephone: (907) 271-3751; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

James W. Stewart,

Associate Director, Planning and Development.

Approved:

Date: August 16, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-19397 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

[FES 88-25]

Availability of Final Environmental Impact Statement; Wilderness Recommendation; Wrangell-St. Elias National Park and Preserve, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation Wrangell-St. Elias National Park and Preserve, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Wrangell-St. Elias National Park and Preserve, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Wrangell-St. Elias National Park and Preserve Headquarters at Glennallen, Alaska; telephone: (907) 822-5235; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

James W. Stewart,

Associate Director, Planning and Development.

Approved:

Date: August 18, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-19398 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

[FES 88-22]

Availability of Final Environmental Impact Statement; Wilderness Recommendation; Yukon-Charley Rivers National Preserve, Alaska

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Wilderness Recommendation

Yukon-Charley Rivers National Park and Preserve, Alaska.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a final environmental impact statement (EIS) relating to the wilderness recommendation for Yukon-Charley Rivers National Park and Preserve, Alaska.

SUPPLEMENTARY INFORMATION: Single copies of the final EIS may be obtained from the Regional Director, Alaska Region, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503, Attention: Division of Planning. Copies may also be requested by Telephone: (907) 257-2654.

Copies of the final EIS will also be available for public reading and inspection at the Alaska Regional Office, address above; at the Office of the Superintendent, Yukon-Charley Rivers National Park and Preserve Headquarters at Eagle, Alaska; telephone: (907) 547-2233; at the Alaska Public Lands Information Office in Fairbanks, Alaska, 3rd and Cushman Streets; at the Alaska Resources Library in Anchorage, Alaska, 701 C Street; and at the Office of Public Affairs, National Park Service, United States Department of the Interior in Washington, DC, 18th and C Streets, NW.

Jacob J. Hoogland,

Acting Associate Director, Planning and Development.

Approved:

Date: August 15, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review, United States Department of the Interior.

[FR Doc. 88-19399 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

Blackstone River Valley National Heritage Corridor Massachusetts and Rhode Island, Blackstone River Valley National Heritage Corridor Commission; Meeting

Notice is hereby given in accordance with section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, September 8, 1988.

The Commission was established pursuant to Pub. L. 99-647. The purpose of the Commission is to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7:00 p.m. at the Blackstone Valley Historical Society, Northgate, Old Louisquissett Pike, Lime Rock, Rhode Island, for the following reasons:

1. Ratification of By-laws;
2. Ratification of Subcommittees;
3. Election of Subcommittee Chairpersons;
4. Confirmation of Cultural Heritage and Land Management Plan Cooperator;
5. Confirmation of Public Education Program Cooperator;

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from the Public Affairs Officer, National Park Service, North Atlantic Region, 15 State St., Boston, MA 02109 (617) 565-8887.

Steven H. Lewis

Acting Regional Director.

Date: August 16, 1988.

[FR Doc. 88-19400 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 88-53]

Jopat Drugs, Inc., Baldwin, NY; Hearing

Notice is hereby given that on April 21, 1988, the Drug Enforcement Administration, Department of Justice, issued to Jopat Drugs, Inc., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AJ3425938, and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, September 1, 1988, commencing at 10:00 a.m., at the United States Claims Court, Courtroom 10, Room 309, 717 Madison Place, NW., Washington, DC.

Dated: August 22, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88-19445 Filed 8-25-88; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 88-42]

Henry J. Schwarz, Jr., North Bergen, NJ; Hearing

Notice is hereby given that on March 24, 1988, the Drug Enforcement Administration, Department of Justice, issued to Henry J. Schwarz, Jr., M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not deny your application for a DEA Certificate of Registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, September 22, 1988, commencing at 10:00 a.m., at the United States Claims Court, Courtroom 10, Room 309, 717 Madison Place, NW., Washington, DC.

Dated: August 22, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88-19446 Filed 8-25-88; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be

prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Florida:	
FL88-5 (Jan. 8, 1988)	p. 116.
Kentucky:	
KY88-4 (Jan. 8, 1988)	pp. 298-302.
KY88-28 (Jan. 8, 1988)	pp. 372-374.
New York:	
NY88-3 (Jan. 8, 1988)	pp. 702-703.
NY88-6 (Jan. 8, 1988)	p. 728.
NY88-7 (Jan. 8, 1988)	pp. 738, 742.
NY88-10 (Jan. 8, 1988)	p. 770.
NY88-12 (Jan. 8, 1988)	p. 792.
NY88-13 (Jan. 8, 1988)	p. 802.
NY88-17 (Jan. 8, 1988)	p. 820.
NY88-18 (Jan. 8, 1988)	p. 830.
Pennsylvania:	
PA88-4 (Jan. 8, 1988)	pp. 870-871.
PA88-9 (Jan. 8, 1988)	pp. 922-923.
PA88-10 (Jan. 8, 1988)	pp. 930-931.
PA88-14 (Jan. 8, 1988)	p. 946.

Volume II

Illinois:	
IL88-2 (Jan. 8, 1988)	pp. 96-111.
IL88-3 (Jan. 8, 1988)	pp. 114-115.
IL88-4 (Jan. 8, 1988)	pp. 120-121.
IL88-5 (Jan. 8, 1988)	pp. 126-127.
IL88-6 (Jan. 8, 1988)	p. 132.
IL88-8 (Jan. 8, 1988)	pp. 142-144.
IL88-9 (Jan. 8, 1988)	pp. 148-149.
IL88-11 (Jan. 8, 1988)	pp. 158-162.
Ohio:	
OH88-2 (Jan. 8, 1988)	pp. 741-745.
OH88-29 (Jan. 8, 1988)	pp. 823-825.
Oklahoma:	
OK88-18 (Jan. 8, 1988)	p. 920.
Wisconsin:	
WI88-1 (Jan. 8, 1988)	pp. 1084-1085.
WI88-3 (Jan. 8, 1988)	pp. 1092-1093.
WI88-6 (Jan. 8, 1988)	pp. 1104-1105.
WI88-7 (Jan. 8, 1988)	pp. 1108-1109.
WI88-9 (Jan. 8, 1988)	pp. 1130-1131.
WI88-10 (Jan. 8, 1988)	pp. 1134-1144.
WI88-11 (Jan. 8, 1988)	p. 1146.
WI88-12 (Jan. 8, 1988)	p. 1150.
WI88-13 (Jan. 8, 1988)	pp. 1154-1155.
WI88-14 (Jan. 8, 1988)	pp. 1158-1159.
WI88-15 (Jan. 8, 1988)	p. 1162.
WI88-16 (Jan. 8, 1988)	pp. 1166-1167.

Volume III

Washington:	
WA88-1 (Jan. 8, 1988)	p. 360.
WA88-2 (Jan. 8, 1988)	p. 386.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be

found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 19th day of August 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-19222 Filed 8-25-88; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-88-139-C]

Rushton Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Rushton Mining Company, P.O. Box 367, Ebensburg, Pennsylvania 15931 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Rushton Mine (I.D. No. 36-00856) located in Centre County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Petitioner states that due to inclination of the coal seam and water accumulation, certain areas of the mine cannot be safely traveled. These areas cannot be dewatered and rehabilitated without hazardous work.

3. As an alternate method, petitioner proposes to establish safe evaluation procedures for the safety of the examiners in the West Mains, South Mains, and East Mains.

4. In support of this request, petitioner states that—

(a) The areas described are not a part of the ventilation system of active working sections;

(b) The amount of methane generated from the subject and adjacent areas as shown on the current ventilation plan is negligible;

(c) The levels of methane generated range from 0.0% to 0.1%; and

(d) The areas in question were supported according to plan and additional supports such as cribs and posts have been added as needed.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 26, 1988. Copies of the petition are available for inspection at that address.

Date: August 17, 1988.

Patricia W. Silvey,

Director, Office of Standards, Regulation and Variances.

[FR Doc. 88-19485 Filed 8-25-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 88-73]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Ad Hoc Review Team on Flight Research and Technology.

DATE AND TIME: September 21, 1988, 8 a.m. to 5 p.m., and September 22, 1988, 8 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 625,

Federal Office Building 10B,
Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Levine, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2835.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on aeronautics research and technology activities. Special ad hoc review teams are formed to address specific topics. The Ad Hoc Review Team on Flight Research and Technology, chaired by Mr. Joseph T. Gallagher, is comprised of eleven members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the team members and other participants).

Type of Meeting: Open.

Agenda:

September 21, 1988

8 a.m.—Overview of Draft Report.

9 a.m.—Review of Findings.

1 p.m.—Review of Concerns and Issues.

2 p.m.—Discussion of Recommendations.

5 p.m.—Adjourn.

September 22, 1988

8 a.m.—Working Group Activities.

1 p.m.—Convene Working Groups—Review of Final Report Elements.

3 p.m.—Adjourn.

Ann Bradley,

Advisory Committee Management Officer,
National Aeronautics and Space
Administration.

August 19, 1988.

[FR Doc. 88-19364 Filed 8-25-88; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-3018; License No. SNM-1983]

Houston Lighting and Power Co. et al., Matagorda County, TX; Finding of No Significant Impact Issuance of Special Nuclear Material

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Material License No. SNM-1983 to Houston Lighting and Power Company, City Public Service Board of San Antonio, Texas, Central Power and Light Company, and the City of Austin, (the applicants) for the South Texas

Project Electric Generating Station Unit 2, located in Matagorda County, Texas.

Environmental Assessment

Identification of Proposed Action: The proposed action would authorize the applicants to receive, possess, inspect, and store special nuclear material in the form of unirradiated fuel assemblies. The discussion below will be limited to assessing the potential for environmental impacts resulting from the handling and the storage of new fuel at South Texas, Unit 2.

The Need for the Proposed Action: The proposed license will allow the applicants to receive and store fresh fuel prior to issuance of the Part 50 operating license in order to inspect the fuel and finalize fuel preparation needed to load the fuel into the reactor vessel. Actual core loading, however, will not be authorized by the proposed license.

Environmental Impacts of the Proposed Action: Once at South Texas, Unit 2, the new fuel assemblies may be temporarily stored in their shipping containers in the new fuel inspection lay-down area and the new fuel handling area prior to placement in their designated storage location; the new fuel storage pit located in the Fuel Handling Building. This temporary storage of assemblies in their shipping containers will present no significant environmental impact or significant radiation exposure to plant workers.

Upon removal of the fuel assemblies from the shipping containers, they are inspected and surveyed for any external contamination. Assuming no contamination is found, the assemblies are transferred to their designated storage location. Criticality safety in the storage location is maintained by limiting interaction between adjacent fuel assemblies. The staff has evaluated the new fuel storage pit and found it to be critically safe for all conditions of water moderation and/or reflection. The design of this storage location, combined with plant procedures, will ensure acceptable protection of the general public and plant personnel under either normal or abnormal conditions.

Since the fresh fuel assemblies are sealed sources, the principal exposure pathway to an individual is via external radiation. For low-enriched uranium fuel (<4 percent U-235 enrichment), the exposure rate at 1 foot from the surface is normally less than 1 mR/hr; therefore, it is estimated that the exposure level to workers handling the fuel would be less than 25 percent of the maximum permissible exposure specified in 10 CFR Part 20. Because of the low radiation levels associated with the

requested materials and activities and the applicant's radiation protection procedures, the staff concludes that fuel handling and storage activities can be carried out without any significant occupational dose to workers or radiological impact to the environment.

Only a small amount, if any, of radioactive waste (e.g., smear papers and/or contaminated packaged material) is expected to be generated as a result of fuel handling and storage operations. Any waste that is produced will be properly stored onsite until it can be shipped to a licensed disposal facility.

In the event that applicants must return the fuel to the fuel fabricator, all packaging and transport of fuel will be in accordance with 10 CFR Part 71. No significant external radiation hazards are associated with the unirradiated fuel, because the radiation level from the clad fuel pellets is low and the shipping packages must meet the external radiation standards in 10 CFR Part 71. Therefore, shipment of unirradiated fuel by the applicants is expected to have an insignificant impact upon the environment.

In the unlikely event that an assembly (either within or outside its shipping container) is dropped during transfer, fuel cladding is not expected to rupture. Even if the fuel rod cladding were breached and the pellets were released, an insignificant environmental impact would result. The fuel pellets are composed of a ceramic UO_2 that has been pelletized and sintered to a very high density. In this form, release of UO_2 aerosol is unlikely except under conditions of deliberate grinding. Additionally, UO_2 is soluble only in acid solution so dissolution and release to the environment are extremely unlikely.

Conclusion: The environmental impacts associated with the handling and storage of new fuel at South Texas, Unit 2, are expected to be insignificant. Essentially no effluents, liquid or airborne, will be released, and acceptable controls will be implemented to prevent a radiological accident. Therefore, the staff concludes that there will be no significant impacts associated with the proposed action.

Alternative to the Proposed Action: The principal alternative would be to deny the requested license. Assuming the operating license will eventually be issued, denial of the storage only license would merely postpone new fuel receipt at South Texas, Unit 2. Although denial of the Special Nuclear Material License for South Texas, Unit 2, is an alternative available to the Commission, it would be considered only if significant issues

of public health and safety could not be resolved.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Commission's Final Environmental Statement (NUREG-1171) dated August 1986 related to this facility.

Agencies and Persons Contacted: The Commission's staff reviewed the applicants' request of April 5, 1988, and did not consult other agencies or persons.

Finding of No Significant Impact: The Commission has prepared an Environmental Assessment related to the issuance of Special Nuclear Material License No. SNM-1983. On the basis of this assessment, the Commission has concluded that environmental impacts created by the proposed licensing action would not be significant and do not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The Environmental Assessment and the April 5, 1988 application related to this proposed action are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the Environmental Assessment may be obtained by calling (301) 492-3358 or by writing to the Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, Maryland this 22nd day of August, 1988.

For the Nuclear Regulatory Commission,

Leland C. Rouse,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 88-19429 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

International Nuclear Power Plant Aging Symposium; Meeting

AGENCY: Nuclear Regulatory Commission.

SUMMARY: The study of nuclear power plant aging is part of the NRC's current research program to improve the safety of nuclear power plants. The advancing age of nuclear power plants plays an ever increasing role in the decision-making related to the continued safe operation of these plants. Progress has already been made in understanding and managing aging phenomena, but more remains to be done. The theme of

this international symposium is:

"Understanding Aging—A Key to Ensuring Safety; Managing Aging—A Necessity to Ensuring Safety."

The symposium is being organized by NRC in cooperation with the American Nuclear Society, the American Society of Civil Engineers, the American Society of Mechanical Engineers, and the Institute of Electrical and Electronics Engineers.

The keynote address on the first day of the symposium will be delivered by NRC Commissioner Kenneth C. Rogers. The keynote speaker at a dinner reception during the symposium will be Dr. Thomas P. Rona, Deputy Director, White House Office of Science and Technology. During the symposium, principal addresses to the more than 500 nuclear experts will be made by Dr. Hideo Uchida, Chairman, Nuclear Safety Commission, Japan on August 31, and Michel Laverie, Chef du Service Central de Surete des Installations Nucleaires, France on September 1. The symposium will conclude with a panel discussion led by Dr. L.V. Konstantinov, Deputy Director General, International Atomic Energy Agency, Vienna.

Among others who have confirmed participation are John Taylor, Vice President, EPRI; Byron Lee, Chief Executive Officer, NUMARC; Jack Ferguson, Chief Executive Officer, Virginia Power; Wallace Behnke, Vice Chairman, Commonwealth Edison; James Moore, Vice President, Westinghouse; Delbert Bunch, Principal Deputy Assistant Secretary for Nuclear Energy, U.S. Department of Energy; Russell Drew, President, IEEE; Albert Grant, President, ASCE; Ronald Stinson, President, ANS; L. Chockie, Vice President, ASME; Klaus Gast, Director, Office for Safety of Nuclear Installations, BMU, Federal Republic of Germany; E.G. Gomez, Vice President, Consejo de Seguridad Nuclear, Spain.

The symposium will entail presentations of technical papers, and a panel discussion on a wide spectrum of plant aging issues, arriving at an improvement of understanding nuclear plant aging phenomena and its management on an international level.

Date & Time: August 30, 31 and September 1, 1988; 8:00 a.m. to 5:00 p.m. daily

Address: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland 20814

Admission: Registration is required.

FOR FURTHER INFORMATION CONTACT: Mr. Satish Aggarwal, General Chairman, International Nuclear Power Plant Aging Symposium, U.S. Nuclear Regulatory

Commission, Washington, DC 20555. Phone: 301-492-3823.

Dated at Rockville, Maryland, this 23rd, day of August 1988.

For the Nuclear Regulatory Commission,

Denwood F. Ross,

Deputy Director for Research, Office of Nuclear Regulatory Research.

[FR Doc. 88-19430 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on September 8-10, 1988, in Room P-118, 7920 Norfolk Avenue, Bethesda, Md. Notice of this meeting was published in the Federal Register on July 26, 1988.

Thursday, September 8, 1988

8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest.

8:45 a.m.-10:45 a.m.: Decay Heat Removal (Open)—Review and report on proposed NRC Staff resolution of Generic Issue 99, Loss of RHR Capability During Plant Shutdown Conditions.

11:00 a.m.-12:30 p.m.: Maintenance of Nuclear Power Plants (Open)—Review and comment on proposed NRC rule regarding maintenance of nuclear power plants.

1:30 p.m.-3:30 p.m.: Pilgrim Nuclear Power Station (Open)—Review and report on proposed restart of the Pilgrim Nuclear Power Station, Unit 1.

3:45 p.m.-5:45 p.m.: Quantitative Safety Goals (Open)—Discuss and comment regarding proposed NRC Staff implementation Plan for the NRC Quantitative Safety Goals.

5:45 p.m.-6:30 p.m.: ACRS Procedures and Practices (Open/Closed)—Discuss qualifications of new members proposed for appointment and current members proposed for reappointment to the ACRS. Appoint Nominating Panel for ACRS Officers for CY-1989 and select meeting dates for CY-1989.

Portions of this session will be closed as required to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Friday, September 9, 1988

8:30 a.m.-10:00 a.m.: TVA Management/Lessons Learned Review (Open)—Discuss and comment on

lessons learned from TVA management problems and recent changes in staffing and organization.

10:15 a.m.-11:15 a.m.: Restart of Browns Ferry Nuclear Power Plant (Open)—Briefing regarding proposed restart of the Browns Ferry Nuclear Power Plant.

11:15 a.m.-12:15 p.m.: Hydrogen Control Requirements (Open)—Review and report on NRC Staff proposed resolution of USI A-48, Hydrogen Control Measures and Effects of Hydrogen Burns on Safety Equipment.

1:15 p.m.-1:45 p.m.: Future ACRS Activities (Open)—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

1:45 p.m.-3:15 p.m.: International Operating Experience (Open)—Discuss and comment on implications of Chernobyl accident and review of the Staff's program at BNL to address severe reactivity transients.

3:30 p.m.-4:30 p.m.: Severe Accident Management (Open)—Briefing by representatives of the NRC Staff regarding the status of work on management of severe accidents.

4:30 p.m.-5:30 p.m.: Equipment Reliability/Valve Testing (Open)—Review and report on proposed changes in requirements for in-situ testing of motor operated valves (GI-ILE.6.1).

5:30 p.m.-6:30 p.m.: ACRS-ACNW Responsibilities (Open)—Discuss proposed bases and mechanism for assignment of specific activities between the ACRS and the ACNW in areas which may overlap/interface.

Saturday, September 10, 1988

8:30 a.m.-12:00 Noon and 1:00 p.m.-2:00 p.m.—Preparation of ACRS reports on matters considered during this meeting and proposed resolution of A-45, Decay Heat Removal, and the High Temperature Gas Cooled Reactor considered during the 340th meeting of the Committee.

2:00 p.m.-3:30 p.m.: ACRS Subcommittee and Member Activities (Open/Closed)—Report and discussion of recent meetings on Thermal-Hydraulic Phenomena and Feedback of Operational Safety Experience from Nuclear Plants.

Portions of this session will be closed as required to protect information provided in confidence by a foreign source.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 2, 1987 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings

will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), and to protect information provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m.

Date: August 23, 1988.
 Andrew L. Bates,
 Advisory Committee Management Officer.
 [FR Doc. 88-19431 Filed 8-25-88; 8:45 am]
 BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has reissued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and

data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.155, "Station Blackout," is being reissued to correct Tables 1, 5, and 6. This guide was originally issued in June 1988 as part of the resolution of Unresolved Safety Issue A-44, "Station Blackout." The guide describes methods acceptable to the NRC staff for complying with the Commission regulation that requires nuclear power plants to be capable of coping with a station blackout for a specified duration.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contracting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of August 1988.

For the Nuclear Regulatory Commission.

Eric S. Beckjord,
 Director, Office of Nuclear Regulatory Research.

[FR Doc. 88-19432 Filed 8-25-88; 8:45am]
 BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and

data needed by the staff in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide 8.22, "Bioassay at Uranium Mills," describes a bioassay program acceptable to the NRC staff for uranium mills and some portions of uranium conversion facilities. The guide also describes working conditions for which bioassays should be performed.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of August 1988.

For the Nuclear Regulatory Commission.

Themis P. Speis,

Deputy Director for Generic Issue Resolution,
Office of Nuclear Regulatory Research.

[FR Doc. 88-19433 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

existing Technical Specification requires that both Byron Units 1 and 2 be shutdown if the Rock River flow rate is less than 700 cubic feet per second (cfs). The proposed amendment would allow both units to continue operation when river flow decreases below 700 cfs. The amendment would be effective for only 90 days to allow continued plant operation during the drought.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By September 26, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practices for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in

the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller; petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Sidley and Austin, One First National Place, Chicago, Illinois 60603, attorney for the licensee.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a

[Docket Nos. 50-454 and 50-455]

**Commonwealth Edison Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-37 and NPF-66, issued to Commonwealth Edison Company (the licensee), for operation of Byron Station, Units 1 and 2 located in Ogle County, Illinois.

The amendments would change the Technical Specification action statement involving Rock River water flow. The

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated August 5, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC; the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101.

Dated at Rockville, Maryland, this 19th day of August 1988.

William L. Forney,

Acting Director, Project Directorate III-2,
Division of Reactor Projects—III, IV, V and
Special Projects.

[FR Doc. 88-19435 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

**Kansas Gas & Electric Co. et al.;
Consideration of Issuance of
Amendment to Facility Operating
License and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-42, issued to Kansas Gas and Electric Company, Kansas City Power & Light Company, and Kansas Electric Power Cooperative, Inc. (the licensees), for operation of the Wolf Creek Generating Station located in Coffey County, Kansas.

The amendment would revise three Technical Specifications; 3/4.7.6 (Control Room Emergency Ventilation System), 3/4.7.7 (Emergency Exhaust System), and 3/4.9.13 (Emergency Exhaust System). The changes in Technical Specification 3/4.7.6 consist of: 1) increasing the Control Room Pressurization System Flow from 500 cfm +10% to 750 cfm +10% in all applicable portions of 4.7.6; 2) changing the Pressurization System dirty filter dp from 3.8" W.G. to 3.6" W.G. in all applicable portions of 4.7.6; 3) deleting the dirty filter dp requirements in 4.8.7.c.1; 4) adding a maximum allowable dp for the Pressurization System filter unit in 4.7.6.e.1; 5) deleting the 0.5% in place penetration and bypass leakage test for charcoal filters in 4.7.6.f which tests HEPA filter integrity; and 6) deleting the 1% in place penetration and

bypass leakage test for HEPA filters in 4.7.6.g which tests charcoal filter integrity.

The changes in Technical Specification 3/4.7.7 consist of: 1) adding Auxiliary Building in the identification title; 2) deleting all sections of 4.7.7 dealing with testing of the adsorber unit and fan flow rates and replacing with requirements to perform the same adsorber unit testing at the appropriate flow rates per 4.9.13; 3) in renumbered paragraph 4.7.7.b.1 changing "fuel" to "auxiliary" to correctly identify the appropriate building; and 4) renumbering as necessary due to deleted/transferred testing requirements.

The changes in Technical Specification 3/4.9.13 consist of: (1) Adding fuel Building in the identification title; (2) reducing the required fan flow from 9000 cfm +10% to 6500 cfm +10% for all applicable sections of 4.9.13; (3) changing the dirty filter dp from 7.2" W.G. to 4.7" W.G. in all applicable sections of 4.9.13; (4) deleting the dirty filter requirement in 4.9.13.b.1; (5) transferring 4.9.13.d.2 and 4.9.13.d.3 to new section 4.9.13.g as 4.9.13.g.1 and 4.9.13.g.2 and renumbering 4.9.13.d as applicable; (6) deleting .05% in place penetration and bypass leakage testing for charcoal adsorbers in 4.9.13.e; and (7) deleting the 1% in place penetration and bypass leakage testing for HEPA filters in 4.9.13.f.

The change in the BASES consist of: (1) Changes in the identification titles for 3/4.7.7 and 3/4.9.13 (2) changing "pump room" to "auxiliary building" in 3/4.7.7; and (3) adding that the surveillance requirements associated with the filtration unit for 3/4.7.7 are stated in Technical Specification 4.9.13.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By September 26, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board,

designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may

be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-600 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo: petitioner's name and telephone number; date Petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed findings of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 26, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas.

Dated at Rockville, Maryland, this 19th day of August, 1988.

For the Nuclear Regulatory Commission.

David L. Wigginton,
Acting Director, Project Directorate—IV,
Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 88-19436 Filed 8-25-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-443]

Public Service Company of New Hampshire; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-56, issued to Public Service Company of New Hampshire, for operation of Seabrook Station, Unit 1 located in Rockingham County, New Hampshire.

The amendment would revise the technical specification setpoints for the pressurizer pressure, pressurizer water level, and steam generator water level channels as a result of replacing the Veritrac/Tobar transmitters with Rosemount transmitters in accordance with the licensee's application dated July 8, 1988 and supplemented by the licensee's August 8, 1988 submittal.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

During hot functional testing, ambient temperature compensation calibration shifts were observed with Veritrac/Tobar pressurizer pressure transmitters located inside containment. The cause of the drift could not be isolated by testing. The licensee proposes to replace the Veritrac/Tobar pressurizer pressure, pressurizer water level and steam generator water level transmitters with Rosemount transmitters which have demonstrated better calibration stability at other installations.

The proposed change provides new setpoints for the pressurizer pressure, pressurizer water level, and steam generator water level channels. This change provides new values for Total Allowance (TA), Statistical Summation of Errors (Z), Trip Setpoint, and Allowable Value for these transmitters

in Technical Specification Tables 2.2-1 (REACTOR TRIP SYSTEM INSTRUMENTATION SETPOINTS). The steam generator water level low-low value is also revised in Specifications 4.4.1.2.2, 4.4.1.3.2, and 3.4.1.4.1, to be consistent with the setpoints.

The replacement Rosemount transmitters are environmentally and seismically qualified for their locations inside the containment. The replacement Rosemount transmitters have been used in operating plants and have an excellent history of performing within stated accuracy limits.

Therefore, the probability of previously evaluated accidents will not be increased.

The replacement Rosemount transmitters are identical in type to the Veritrac/Tobar transmitters except for the pressurizer pressure transmitter. In this application, the Rosemount transmitter is a gauge type pressure transmitter while the Veritrac/Tobar transmitter is an absolute pressure type. The effect of normal variations in atmospheric pressure have been considered in the instrument setpoint calculation. The proposed amendment does not allow any new mode of operation beyond what is already permitted. Therefore, operation of the facility in accordance with the proposed amendment will not create the possibility of a new or difficult kind of accident from any accident previously evaluated.

The protection system setpoints for use with the Rosemount transmitters were developed by calculating the instrument channel statistical allowance using the Westinghouse methodology which has been reviewed and approved by the NRC staff, and applying this to the FSAR Chapter 15 accident analysis limit.

When compared to the calculated values, the steam generator low-low level setpoint is conservative. The effect of the Rosemount transmitters on the overtemperature delta-T trip was evaluated and determined to be acceptable since it resulted in an increase of 0.6 percent of span in the margin between the total allowance and the channel statistical allowance. When compared to the calculated values, the low pressurizer pressure reactor trip setpoint, low pressurizer pressure safety injection setpoint, and the high pressurizer pressure reactor trip setpoint are conservative. The margin between the total allowance and the channel statistical allowance is approximately the same (within 0.04 percent of span) for the Rosemount and Veritrac/Tobar

transmitters. Therefore, this amendment does not involve a significant reduction in a margin of safety.

For the reasons stated above, the staff believes this proposed amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the *Federal Register* notice. Written comments may also be delivered to The Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland 20814 from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC. The filing request for hearing and petitions for leave to intervene is discussed below.

By September 26, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceedings must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the

following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceedings as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been submitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change

during the notice period such that failure to act in a timely way would result, for example, in prevention of facility startup or preventing a mode change for purposes of preoperational testing the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard H. Wessman: petitioner's name and telephone number; date petition was mailed; plant number; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of General Counsel—Rockville, U.S. Nuclear Regulatory Commission, Washington DC 20555, and to Thomas Dignan, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.174(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Exeter Public Library, Founders Park, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 22nd date of August, 1988.

For the Nuclear Regulatory Commission.
Donald S. Brinkman,
Senior Project Manager, Project Directorate,
I-3, Division of Reactor Projects, I/II.
[FR Doc. 88-19434 Filed 8-25-88; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co., San Onofre Nuclear Generating Station, Unit No. 1; Denial of Amendment to Provisional Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied in part a request by the licensees for amendment to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), for operation of San Onofre Nuclear Generating Station, Unit No. 1 (the facility), located in San Diego County, California.

The application for amendment was dated December 19, 1985. Notice of Consideration of Issuance of Amendment was published in the *Federal Register* on April 23, 1986 (51 FR 15410).

The amendment, as proposed by the licensees, would consist of the following changes to the Technical Specifications (Appendix A to Provisional Operating License No. DPR-13):

1. The proposed amendment would reduce the number and frequency of diesel generator test starts consistent with NRC Generic Letter 84-15.
2. The proposed amendment would allow one diesel generator to be out of service for up to seven days and place a cumulative limit of 800 hours per year out-of-service time for both diesel generators.

The portion of the application which would allow out-of-service times of seven days for a single diesel generator and up to 800 hours per year for both diesel-generators has been denied. Both of these items were contained in Enclosure 3 to Generic Letter 84-15 only for the purpose of soliciting industry comments and further staff consideration in finalizing revised surveillance requirements for diesel generators. This activity is designated as generic issue B-56, "Diesel-Generator Reliability," and is scheduled for resolution in fiscal year 1989. Since the relevant generic resolution is not

complete, the NRC staff is not issuing changes such as licensees have proposed at this time.

The licensees were notified of the Commission's denial of this request by letter dated August 17, 1988. The other changes required by the application have been approved by the issuance of Amendment No. 106. Notice of issuance of this amendment will be published in the Commission regular bi-weekly *Federal Register* notice.

By September 26, 1988, the licensees may demand a hearing with respect to the denial described above and any persons whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date.

A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Charles R. Kocher, Assistant General Counsel and James Beoletto, Esq., Southern California Edison Company, P.O. Box 800, Rosemead, California 91770, attorneys for the licensees.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1985, and (2) the Commission's letter and Safety Evaluation issued with Amendment No. 106 to DRR-13 dated August 17, 1988. These documents are available for public inspection at the Commission's Public Document Room 1717 H Street, NW, Washington, DC, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713. Single copies of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Division of Reactor Projects-III, IV, V and Special Projects.

Dated at Rockville, Maryland, this 17th day of August, 1988.

For the Nuclear Regulatory Commission.
Charles M. Trammell,
Senior Project Manager, Project Directorate
V, Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.
[FR Doc. 88-19437 Filed 8-25-88; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by the Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Form 1, File No. 270-18
Form 1-A, File No. 270-13
Form MSD, File No. 270-88

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval of:

Form 1 which is prescribed for applications for or exemption from registration as a national securities exchange. Ten respondents incur an estimated average burden of fifteen hours to complete this form.

Form 1-A which is prescribed for amendments to applications for an exemption from registration as a national securities exchange. Ten respondents incur an estimated average of forty-five hours to complete this form; and

Form MSD is prescribed for application for registration with the Commission by a bank municipal securities dealer. Forty respondents incur an estimated average of one and one-half burden hours to complete this form.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Robert Neal at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, 450 Fifth Street, NW., Washington, DC 20549-6004, and Robert Neal, Clearance Officer, Office of Management and Budget, Room 3228 New Executive Office Building, Washington, DC 20503.

Jonathan G. Katz,
Secretary.

August 19, 1988.

[FR Doc. 88-19405 Filed 8-25-88; 8:45 am]
BILLING CODE 8010-01-M

(Release No. 34-26015; File No. SR-PSE-88-02)

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

On February 26, 1988, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change that would amend PSE Rule VII, section 3(d) ("Member Compensation Only") and section 3(g) ("Gratuities, Employees") in order to clarify and conform their meanings in relation to previously amended section 2(d) ("Dual Employment").³

Notice of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 25577, April 12, 1988), and by publication in the *Federal Register* (53 FR 12844, April 19, 1988). No comments were received with respect to the proposed rule change.

Currently, both the Exchange and the relevant Exchange member must approve compensation or gratuity arrangements in each of three covered situations. The proposed rule change would eliminate this dual approval requirement.

First, the proposed rule change would eliminate the need for Exchange approval of compensation or gratuity arrangements, in connection with any security transaction, between registered employees of an Exchange member and third parties other than the members or member firm with whom the employee is registered. Second, the proposed rule change would eliminate the need for Exchange approval of compensation or gratuity arrangements directed by an Exchange member to employees of other members of the Exchange or employees of nonmember brokers, dealers, banks or institutions. Finally, the proposed rule change would eliminate the need for an Exchange member's approval of any compensation or gratuity arrangements directed by an Exchange member to any Exchange employee. In each of these covered arrangements, the rule change proposes that only the primary employer of the potential recipient need consent in writing to the compensation or gratuity arrangement, thereby eliminating the prior dual approval requirement.

The PSE contends that the dual approval requirement imposes an unnecessary burden on the Exchange and the relevant Exchange member. The Exchange believes that the principal employer of the potential recipient is in the best position to determine whether or not a gratuity or compensation arrangement may constitute a conflict of interest.

The Commission believes that the proposed amendment of the Exchange's compensation and gratuity rules is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b).⁴ Under the proposed rule change, the principal employer (*i.e.*, the Exchange or the relevant Exchange member) will still be required to approve in writing any of the above covered gratuity or compensation arrangements, and thus would have to make a review of the proposed arrangements. The Commission agrees with the PSE that dual approval by the Exchange prior to implementation of the arrangements is not essential. The Commission notes, however, that the Exchange will continue to be responsible for compliance by its members with this rule.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁵ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Dated: August 22, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-19404 Filed 8-25-88; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-18261]

Application and Opportunity for Hearing; Virginia Electric and Power Company

August 22, 1988.

Notice is hereby given that Virginia Electric and Power Company (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Chemical Bank (the "Bank") under an indenture dated as of June 1, 1986 ("June Indenture") between the Company and

the Bank which was heretofore qualified under the Act and under six indentures dated as of August 1, 1986 (two indentures), June 1, 1987 (two indentures), September 1, 1987 and December 1, 1987 (collectively, "Bond Indentures") between the Bank and certain political subdivisions of the Commonwealth of Virginia and the State of West Virginia relating to the issuance of that certain series of Pollution Control Revenue Bonds, the payment of which is supported by Promissory Notes issued by the Company and assigned to the Bank as Trustee which have not been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the June Indenture, there are issued and outstanding \$282,785,000 in principal amount of Series B Notes ("Notes") with maturities ranging from 1989 to 1998. The Notes were registered under the Securities Act of 1933 (the "1933 Act") and the June Indenture was qualified under the Act.

(2) On October 8, 1986, November 20, 1986, June 4, 1987 (two notes), September 10, 1987 and December 9, 1987, the Applicant issued Promissory Notes (the "Promissory Notes") dated as of the same dates. Each Promissory Note was assigned to the Bank, as Trustee under a separate trust indenture between a political subdivision of the Commonwealth of Virginia or of the State of West Virginia and the Bank, as Trustee, (the "Bond Indentures"), to support the payment of a separate series of Pollution Control Revenue Bonds (the "Bonds") that were issued by the following political subdivisions:

\$11,200,000 Industrial Development Authority of the County of Prince William (Virginia) Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1986 due August

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 22167 (June 24, 1985), 50 FR 28871 (June 28, 1985).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78s(b)(2).

⁶ See 17 CFR 200.30-3(a)(44).

1, 2016 pursuant to a Bond Indenture dated as of August 1, 1986;

\$7,400,000 The County Commission of Grant County, West Virginia Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1986 due August 1, 2016 pursuant to a Bond Indenture dated as of August 1, 1986;

\$40,000,000 Industrial Development Authority of the County of Chesterfield (Virginia) Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1987A due June 1, 2017 pursuant to a Bond Indenture dated as of June 1, 1987;

\$35,000,000 Industrial Development Authority of the County of Chesterfield (Virginia) Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1987B due June 1, 2017 pursuant to a Bond Indenture dated as of June 1, 1987;

\$15,000,000 Industrial Development Authority of the County of Chesterfield (Virginia) Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1987C due December 1, 2007 pursuant to the Bond Indenture dated as of September 1, 1987; and

\$18,000,000 Industrial Development Authority of the Town of Louisa, Virginia Money Market Municipals (TM) Pollution Control Revenue Bonds Series 1987 due December 1, 2015 pursuant to the Bond Indenture dated as of December 1, 1987.

(3) The Bonds were not required to be, and were not, registered under the 1933 Act and the Bond Indentures were not qualified under the Act.

(4) The Company is not in default in any respect under the June Indenture or under any other existing indenture.

(5) The Notes and the Promissory Notes are both wholly unsecured and rank *pari passu*.

(6) Trusteeship under the June Indenture and under the Bond Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the June Indenture.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is on file in the Offices of the Commission's Public Reference Section, File No. 22-18281, 450 Fifth Street, NW., Washington, DC 20549.

Notice Is Further Given that any interested person may, not later than September 16, 1988, request in writing

that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by the application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed:

Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-19475 Filed 8-25-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Meeting on Agency's Rulemaking, Research and Enforcement Programs

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, research and enforcement programs.

DATES: The agency's regular, quarterly public meeting relating to the agency's rulemaking, research and enforcement programs will be held on October 12, 1988, beginning at 10:30 a.m. Questions relating to the agency's rulemaking, research and enforcement programs, must be submitted in writing by September 28, 1988. If sufficient time is available, questions received after the September 28 date may be answered at the meeting. The individual, group or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by September 28, and issues to be discussed, will be mailed to interested persons on October 7, 1988, and will be available at the meeting.

ADDRESS: Questions for the October 12 meeting relating to the agency's rulemaking, research, and enforcement

programs should be submitted to Barry Felrice, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street SW., Washington, DC 20590. The public meeting will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

FOR FURTHER INFORMATION CONTACT:

NHTSA will hold its regular, quarterly meeting to answer questions from the public and industry regarding the agency's rulemaking, research, and enforcement programs on October 12, 1988. The meeting will begin at 10:30 a.m., and will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan. The purpose of the meeting is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section, in Washington, DC within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street SW., Washington, DC 20590, Room 5108, 400 Seventh Street SW., Washington, DC 20590.

Issued on August 23, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-19391 Filed 8-25-88; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 22, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Office listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of Treasury, Room 2224, 15th and

Pennsylvania Avenue NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0012

Form Number: TPS 6324

Type of Review: Extension

Title: Annual and Quarterly Financial Statements of Surety Companies—Schedule F

Description: Information is used to compute amount of unauthorized reinsurance in determining Treasury Certified companies' underwriting limitations to be published in Treasury Circular 570 for use by Federal bond approving officers.

Respondents: Businesses or other for-profit, small businesses or organizations

Estimated Number of Respondents: 306

Estimated Burden Hours Pre Response: 48 hours and 45 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden: 14,912 hours

Clearance Officer: Rita Franklin, (301) 436-5300, Programs Section, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 88-19382 Filed 8-25-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 22, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1009

Form Number: IRS Form 8598

Type of Review: Revision

Title: Home Mortgage Interest

Description: The form is needed to figure qualified residence interest

when mortgages are taken out after October 13, 1987, and the mortgages exceed certain dollar limits. The form affects individuals.

Respondents: Individuals or households

Estimated Number of Respondents: 200,000

Estimated Burden Hours Per Response: 1 hour and 53 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden: 361,125 hours

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 88-19383 Filed 8-25-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 22, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Departmental Offices

OMB Number: New

Form Number: TD F 90-19.5

Type of Review: New collection

Title: Securities Investors Protection Corporation Questionnaire Regarding Repurchase Agreements and Reverse Repurchase Agreements Outstanding as of 1988

Description: The purpose of this survey is to determine the potential insurance liability and proper reaction thereto by SIPC. The study will affect government securities dealers.

Respondents: Businesses and other for-profit

Estimated Number of Respondents: 177

Estimated Burden Hours Per Response: 8 hours

Frequency of Response: One time

Estimated Total Reporting Burden: 1,416 hours

Clearance Officer: Dale A. Morgan, (202) 343-0263, Departmental Offices, Room 2224, Main Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, DC 20220

OMB Reviewer: Robert N. Neal, (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 88-19384 Filed 8-25-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 22, 1988.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New

Form Number: IRS Form 8644-A

Type of Review: Resubmission

Title: Annual Return of Shareholder Information Under Section 1295

Description: Form 8644-A is used by certain foreign investment companies to report information to its shareholders who are U.S. persons. These shareholders use the information to report amounts in gross income when filing their income tax returns. The IRS uses the information on Form 8644-A to determine if the correct amount has been included in income.

Respondents: Business or other for-profit

Estimated Number of Respondents: 100

Estimated Burden Hours Per Response: 18 minutes

Frequency of Response: Annually

Estimated Average Reporting Burden: 1.972 hours

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 88-19388 Filed 8-25-88; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Department Circular—Public Debt Series—No. 22-88]

Treasury Notes of August 31, 1990, Series AE-1990

August 18, 1988.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$8,750,000 of United States securities, designated Treasury Notes of August 31, 1990, Series AE-1990 (CUSIP No. 912827 WP 3), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated August 31, 1988, and will accrue interest from that date, payable on a semiannual basis on February 28, 1989, and each subsequent 6 months on August 31 and February 28 through the date that the principal becomes payable. They will mature August 31, 1990, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$5,000, \$10,000, \$100,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, prior to 1:00 p.m., Eastern Daylight Saving time, Tuesday, August 23, 1988. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 22, 1988, and received no later than Wednesday, August 31, 1988.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of

customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in amount sufficient to provide fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted

average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes or applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made to the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Wednesday, August 31, 1988. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bill, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, August 29, 1988. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, August 31, 1988. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88-19506 Filed 8-24-88; 10:20 am]

BILLING CODE 4810-40-M

[Department Circular—Public Dept Series—No. 23-88]

Treasury Notes of November 15, 1993, Series M-1993

August 18, 1988.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of title 31, United States Code, invites tenders for approximately \$7,250,000,000 of United States securities, designated Treasury Notes of November 15, 1993, Series M-1993 (CUSIP No. 912827 WQ 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes

may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated September 1, 1988, and will accrue interest from that date, payable on a semiannual basis on May 15, 1989, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 1993, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, prior to 1:00 p.m., Eastern Daylight Saving Time, Wednesday, August 24, 1988. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 23, 1988, and received no later than Thursday, September 1, 1988.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the

determination is made as to which tenders are accepted, an interest rate will be established, at a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5, must be made or completed on or before Thursday, September 1, 1988. Payment in full must accompany tenders submitted by all other investors. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury;

in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, August 30, 1988. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursday, September 1, 1988. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is

pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88-19507 Filed 8-24-88; 10:20 am]

BILLING CODE 4810-40-M

Customs Service

Law Enforcement Program Development; Drug Smuggling

AGENCY: Customs Service, Treasury.

ACTION: Notice of development of a law enforcement program encouraging citizens to report suspicious activities that may involve drug smuggling.

SUMMARY: A new joint law enforcement program entitled the "Outlaw Aircraft, Vessel, and Land Conveyance Program" has been developed by the U.S. Customs Service, the U.S. Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service, to reemphasize federal authority to seize and hold for forfeiture any aircraft, vessel, vehicle, or other means of conveyance that has or is being used to carry, conceal, or transport illegal drugs. This document informs the public of how they can assist with this program by reporting activities that they suspect may be related to drug smuggling. Rewards and incentives leading to the arrest and/or conviction of suspected drug smuggling individuals are authorized under the program.

DATE: August 26, 1988.

FOR FURTHER INFORMATION CONTACT:

William S. Heffelfinger III, Executive Director, The Interdiction Committee, U.S. Customs Headquarters, 1301 Constitution Avenue NW., Room 3417, Washington, DC 20229; telephone (202) 786-7511.

SUPPLEMENTARY INFORMATION:

Background

Authority exists under title 19, United States Code sections 1590, 1433, 1436, 1595a, and 1703, title 21, United States Code section 881, title 49, United States Code App., sections 1472(b) and (g), and 1474 to seize and forfeit aircraft, vessels and other conveyances used to smuggle illegal drugs into the United States. In addition, statutes permit federal law enforcement officers to seize any conveyance carrying illicit drugs in any measurable amount.

All owners of conveyances that could be used to carry or conceal illicit drugs, in measurable amounts, should be aware that their conveyances are subject to seizure and possible administrative forfeiture if violations of

the above statutes are committed on their conveyances. Owners should exercise extreme care, and take all reasonable steps, to ensure that illicit drugs are not brought into the United States using their conveyance as the means of transportation.

Procedures/Due Process

Under Customs law, if the value of the seized conveyance does not exceed \$100,000 or, regardless of value, if the seized conveyance was used to transport drugs, the seized conveyance is subject to Customs summary forfeiture proceedings. Owners and any other interested parties will receive written notice of Customs seizure, intent to forfeit and expected date of publication of a notice of seizure and intent to summarily forfeit the conveyance. (19 U.S.C. 1607). Owners and interested parties may file a claim and cost bond within 20 days from the date a notice is first published. The filing of a claim and cost bond suspends the summary forfeiture proceeding and causes the matter to be referred to the U.S. Attorney for commencement of judicial forfeiture proceedings (19 U.S.C. 1608).

Owners and other interested parties may petition for remission and/or mitigation of the forfeiture pursuant to 19 U.S.C. 1618 and 19 CFR 171, or may petition for the proceeds of sale pursuant to 19 U.S.C. 1613 and 19 CFR 171.41, *et seq.*, depending on the circumstances surrounding the violation.

Owners and other interested parties are further advised that immediate release of the seized conveyance may be obtained pending final determination of the proceedings by paying the appraised domestic value of the conveyance.

Public Awareness

A new law enforcement program entitled the "Outlaw Aircraft, Vessel, and Land Conveyance Program" has been developed by the U.S. Customs Service, the U.S. Coast Guard, and Drug Enforcement Administration, and the Immigration and Naturalization Service to reemphasize federal authority to seize and hold for forfeiture any aircraft, vessel, vehicle, or other means of conveyance that has been or is being used to carry, conceal, or transport illegal drugs. Because public support for the program will greatly enhance its success, this notice is intended to create a public awareness of the total national effort to reduce the supply of illicit drugs being smuggled into the United States via various conveyances, as well as the consequences of such illegal activities. This notice is also intended to encourage all Americans to contribute to

the national effort by reporting any suspicious activities.

Outlaw Aircraft, Vessel, and Vehicle Program

Active public participation in this vital program can be a big first step in helping to secure our nation's borders against illicit drug smuggling. Below are ways in which each individual may directly contribute in the "War Against Drugs." Specifically, anyone may assist by properly reporting activities they observe that may be considered as "outlaw" in nature. The following are examples:

Indications of Aviation Smuggling

Telltale signs for general aviation smuggling activity include:

- Aircraft windows covered by curtains or temporarily taped over.
- Passenger seats missing from the aircraft.
- Numerous boxes, duffel bags, or other containers inside the aircraft.
- Aircraft registration numbers that appear altered; i.e. signs of adhesive tape in the area of registration numbers.
- Trucks, campers, boats or vans waiting at or near an area suitable for an aircraft landing or air drop site; awaiting vehicles and boats often appear to be equipped with radios for use in communications with an aircraft; i.e., whip antennae.
- Aircraft that appear to be modified with extended range fuel tanks or altered doors that would facilitate air dropping of drugs including modified hinge lines on doors, special hatches or accesses.
- Inspection panels not normally found on the specific model of aircraft.
- Aircraft flying or landing without proper wing and tail position lights illuminated.
- Associated suspicious activity away from airports.

Indications of Vessel Smuggling

Telltale signs for boats, yachts, and fishing vessels involved in smuggling activity include:

- Vessels loitering in an area where an aircraft is circling, indicating a possible drop site.
- Extensive radio and sophisticated navigation equipment on board enabling surface to air communication.
- Vessels operating at high speed without proper navigation lights illuminated.
- Vessels that are transferring bundles, packages or cargo at sea, in the vicinity of land, or at dockside at unusual hours.
- Boats purchased with large cash payments.

—Boats changed in internal configuration, i.e., raised deck, no access to bilges, fuel tanks added or modified, construction of concealed compartments, or modified bulkheads.

—Immediate repairs or modifications demanded without regard to cost.

—A false water line.

—Improper or false registration.

—Tow vehicle equipped to haul excessive loads or modified with heavy duty bracing and tires.

—Tow vehicles and trailer coming from somewhere other than the normal designated parking areas.

—Communications between a boat and a shore vehicle by unusual means, i.e., lights, flags, etc.

—Boat riding excessively low in the water.

Indications of Smuggling by Land Conveyances

Telltale signs for land conveyances of people and goods involved in smuggling activity include:

—Vehicles that are transferring bundles, packages or cargo from boats or aircraft.

—Vehicles that appear modified with concealed compartments which include unaccounted for space or unusual configurations.

—Screws that appear to have been removed and replaced frequently.

—Vehicles observed in the vicinity of our land borders with Mexico and Canada that appear to be involved in suspicious activity.

Rewards

Cash rewards, ranging from \$250 to \$2,500, may be applied for anonymous information leading to the arrest and conviction of drug smugglers. Informant awards up to \$250,000 may be authorized for original information provided by a documented confidential source to U.S. Customs leading to a recovery, e.g., seizure and forfeiture of a conveyance. The amount of any reward or award will depend on the circumstances of each case and the results.

Reporting Procedures

Suspicious activity may be reported to the Customs Service by calling 1-800-BE-ALERT, 24 hours a day. The person reporting these activities will not only remain anonymous, but will also perform a great service to preserve and protect their community.

(1) *Be Alert:* In observations, note the time and location of activity and write this information down. Take extra care to note any aircraft registration, vehicle or boat names and numbers or

distinctive features of the suspects such as clothing and build.

(2) *Be Accurate:* Call U.S. Customs toll free at 1-800-BE-ALERT. Tell the officer that you have information about narcotics smuggling activities. You will be given a code number to protect your identity. After you receive your caller number, give an accurate account of your information to the Customs officers.

(3) *Stay in Contact:* Call Customs again at 1-800-BE-ALERT ten days after your initial contact. Identify yourself by your assigned code. At this time you can learn if any action resulted from your information, and if so, you can arrange for payment of your cash reward.

Date: August 18, 1988.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 88-19377 Filed 8-25-88; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Grants Program for Private Not-for-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency's Division for the Study of the U.S. seeks to secure the services of an institution to coordinate and implement five thirty-day study programs in the field of American studies for foreign secondary school educators. The programs will take place in the spring and fall of 1989.

The Division for the Study of the U.S. provides opportunities for foreign education ministry officials, teacher trainers, textbook writers, and curriculum developers to receive information, training, and resource materials which will enable them to more accurately and effectively teach about the U.S. in the secondary schools of their home countries.

Interested programming institutions in metropolitan Washington, DC, with experience in international education, in particular the social sciences, should submit a request for complete application materials to Mr. Richard Taylor at the following address no later than 10 days from the date of this notice. The Division for the Study of the U.S. will then forward a set of materials which contain the proposal guidelines and project prospectus. This announcement is not a solicitation for proposals. It requests letters of interest from potential grantee institutions. Information on proposal submission deadlines will be forwarded with the

application materials: United States Information Agency, Office of Academic Programs, American Studies Branch, E/AAS—Attn: Richard Taylor, Room 256, 301 4th Street SW., Washington, DC 20547, Phone: (202) 485-2578.

Date: August 22, 1988.

Barry Ballow,

Chief, Division for the Study of the U.S.

[FR Doc. 88-19359 Filed 8-25-88; 8:45 am]

BILLING CODE 9320-01-M

UNITED STATES SENTENCING COMMISSION

Public Hearings on Organizational Sanctions

AGENCY: United States Sentencing Commission.

ACTION: Notice of public hearings. Request for public comment on discussion materials.

SUMMARY: This notice announces public hearings scheduled by the U.S. Sentencing Commission for October 11, 1988, and November 17, 1988, to consider the development of guidelines and policy statements for sentencing organizations found guilty of federal criminal offenses. In addition, this notice invites public analysis and comment regarding discussion materials on organizational sanctions published by the Commission.

DATES: Public hearings on the development of sentencing guidelines and policy statements for organizations are scheduled for:

1. New York, NY—October 11, 1988, 10 a.m. to 4 p.m. (location to be announced)
2. Los Angeles, CA—November 17, 1988, 10 a.m. to 4 p.m. (location to be announced)

The Commission encourages interested persons to submit written comments regarding its Discussion Materials on Organizational Sanctions (available from the Commission upon request) or other written statements on the subject of organizational sanctions by October 1, 1988.

ADDRESS: Written statements, comments on the Commission's Discussion Materials, requests to testify, and other written communications may be mailed to: United States Sentencing Commission, 1331 Pennsylvania Avenue NW., Suite 1400, Washington, DC 20004. Attention: Organizational Sanctions Comment.

FOR FURTHER INFORMATION CONTACT: Paul K. Martin, Communications

Director for the Commission, telephone (202) 662-8800.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent commission in the judicial branch of the United States Government that is charged with the responsibility of establishing sentencing policies and practices for the Federal criminal justice system. The Commission has promulgated sentencing guidelines and policy statements applicable to most federal offenses committed by individuals.

The preliminary draft guidelines previously published by the Commission in the October 1, 1986, Federal Register (51 FR 35079) also included discussions of general approaches to organizational sentencing. However, the Commission's initial set of sentencing guidelines and policy statements, published in the May 13, 1987, Federal Register (52 FR 18046), deferred promulgation of guidelines for organizational defendants except with respect to fines for antitrust offense.

After further review and research, the Commission now is considering the development of more comprehensive guidelines and policy statements for sentencing organizations. The Commission invites public comment on all aspects of organization sanctions and public participation in the scheduled hearings. As a vehicle for stimulating the broadest possible range of public input, the Commission is distributing a volume entitled "Discussion Materials on Organizational Sanctions" that contains (i) a discussion draft of sentencing guidelines and policy statements covering all types of organizational sentences (restitution, forfeitures, fines, notice to victims, and probation), (ii) a partial alternative to the discussion draft, consisting of a draft proposal on standards for organizational probation, (iii) an empirical report on sentencing of organizations in the federal courts during the period of 1984 through 1987, and (iv) a staff working paper on criminal sentencing policy for organizations. In addition, the Discussion Materials include a general statement of the subjects and issues regarding organizational sanctions on which the Commission particularly invites public analysis and comment and a reprint of Statndard 18-2.8 (Organizational Sanctions) of the American Bar Association's Standards for Criminal Justice (1980 & Supp. 1986).

Copies of the Discussion Materials may be obtained from the Commission upon request. The Commission encourages interested persons to obtain and comment upon the Discussion Materials; however, the Commission

emphasizes that it has not adopted any of the approaches suggested in the Discussion Materials and welcomes comments suggesting alternative approaches.

Authority: Section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994, 995).

William W. Wilkins, Jr.,
Chairman.

[FR Doc. 88-19402 Filed 8-25-88; 8:45 am]

BILLING CODE 2210-40-M

VETERANS ADMINISTRATION

Agency Information Collection Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the information collection, (2) the title of the information collection, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the information collection must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of recordkeepers, (8) an estimate of the total number of hours needed to fill out the information collection, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before September 26, 1988.

Dated: August 19, 1988.

By direction of the Administrator.

David N. Stone,

Acting Director, Office of Information Management and Statistics.

Extension

1. Department of Veterans Benefits.

2. Inspection of Records in Programs Operating Under the Veterans' Job Training Act.

3. Not applicable.

4. This information collection pertains to the recordkeeping requirement in a regulation that requires employers with job training programs to maintain records to document compliance with the law and requires the VA to monitor and inspect these records.

5. On occasion.

6. Businesses or other for-profit; small businesses or organizations.

7. 7,040 recordkeepers.

8. Not applicable.

9. Not applicable.

[FR Doc. 88-19362 Filed 8-25-88; 8:45 am]

BILLING CODE 8320-01-M

Emergency Request; Agency Information Collection Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The responsible department or staff office; (2) the title of the collection(s); (3) the agency form number(s), if applicable; (4) a description of the need and its use; (5) how often the form(s) must be filled out, if applicable; (6) who will be required or asked to report; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to fill out the form; and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before September 26, 1988.

Dated: August 22, 1988.

By direction of the Administrator,
David N. Stone,
*Acting Director, Office of Information
Management and Statistics.*

New

1. Department of Veterans Benefits.
2. Claim for Veterans Mortgage Life Insurance.
3. VA Form 29-0549.
4. This form is used by the mortgage holder to apply for the proceeds of Veterans Mortgage Life Insurance.
5. On occasion.
6. Businesses or other for-profit.
7. 250 responses.
8. 250 hours.
9. Not applicable.

**Request for Emergency Processing
Under 5 CFR 1320.18**

1. We are requesting emergency processing of this information collection submission since the timeframe required for normal clearance procedures would cause the statutory deadline imposed by the passage of Pub. L. 100-322 to be missed.

2. This legislation changes Veterans Mortgage Life Insurance (VMLI) from a group policy purchased by the Veterans Administration to a program under which the United States is the insurer. The group policy contract expires September 1, 1988 and the VA will assume responsibility for the administration of the program at that

time. A part of that responsibility will be the processing of claims under the VMLI program. Without this collection, the VA will have no method of obtaining information needed to settle the insurance. Therefore, we are requesting that review of this submission be completed and the VA notified by August 26, 1988.

3. The information collected in this submission is the same as that currently required by the commercial carrier providing the group policy. This information is the minimum needed to verify the insurance amount payable and the mortgage holder's entitlement to the insurance proceeds.

BILLING CODE 8320-01-M



Veterans Administration

CLAIM FOR VETERANS MORTGAGE LIFE INSURANCE

IMPORTANT: This form is to be completed by the mortgage holder.

PRIVACY ACT INFORMATION: No proceeds may be paid unless a completed claim form has been received (38 U.S.C. 806). The information provided, on a voluntary basis, will be used by VA employees and your authorized representative in the maintenance of Government insurance records. Responses may be disclosed outside the VA only if disclosure is authorized under the Privacy Act, including the routine uses identified in the VA system of records, 53VA00, Veterans Mortgage Life Insurance - VA, published in the Federal Register.

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to VA Clearance Officer (732), 810 Vermont Ave., NW, Washington, DC 20420; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

INSTRUCTIONS: Complete all items on this claim form and return it with a copy of the original mortgage and note to the Veterans Administration Regional Office and Insurance Center, Veterans Mortgage Life Insurance (335/295M), Bishop Henry Whipple Federal Building, Ft. Snelling, St. Paul, MN 55111.

If the loan has been assumed by the deceased but his/her name does not appear on the mortgage, also send evidence of the assumption. The maximum payment we are allowed to make under the law is \$40,000.

If the loan interest is charged at a variable rate, attach a separate sheet showing the date of each rate change and the new interest rate.

1. FIRST - MIDDLE - LAST NAME OF VETERAN		2. MAILING ADDRESS (Include number and street or rural route, City or P.O., State and ZIP Code)		3. VA FILE NUMBER C-	
4. MORTGAGED PROPERTY		5. ORIGINAL MORTGAGE			
A. STREET ADDRESS (Include number and street or rural route, City or P.O., State and ZIP Code)		A. EFFECTIVE DATE		B. AMOUNT \$	
		C. DATE OF FIRST PAYMENT		D. INTEREST RATE %	
B. LEGAL DESCRIPTION		E. MORTGAGE ACCOUNT NUMBER			
		F. AMOUNT OF MONTHLY PAYMENT (P & I only) \$			
		G. TOTAL MONTHLY PAYMENT		H. DAY OF MONTH PAYMENT IS DUE	
6. AMENDMENT(S) TO MORTGAGE AGREEMENT (Give purpose and date of any amendment(s) affecting the amount or term of the loan and/or amount or frequency of payment)		7. PREPAYMENT(S) (List date(s) and amount(s) of any prepayment(s) since original mortgage date. Attach separate sheet if necessary)			
<input type="checkbox"/> NO AMENDMENT(S) <input type="checkbox"/> AMENDMENT(S) AS FOLLOWS: (Specify)		DATE	AMOUNT	DATE	AMOUNT
			\$		\$
			\$		\$
8. ACCOUNT STATUS		9. REPAYMENT OF MORTGAGE			
A. DATE OF MOST RECENT PAYMENT		NOTE: The principal balance should be current assuming payments were made when due whether they actually were or not. Also, the principal balance figure should be reduced by any prepayments made on or before the date shown in Item 9A and should not be reduced by any escrow balance (taxes and insurance).			
B. FOR MONTHS OF: (Such as: January, February, etc.)		A. PRINCIPAL BALANCE ON _____ (Date)		\$	
C. PRINCIPAL BALANCE AFTER LAST PAYMENT \$		B. PREPAYMENT PENALTY (If any)		\$	
D. DUE DATE OF NEXT SCHEDULED PAYMENT		C. OTHER (Specify)		\$	
E. WERE PAYMENTS PAST DUE ON DATE OF DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "Yes," give details on separate sheet)		D. TOTAL AMOUNT DUE TO DISCHARGE INDEBTEDNESS AS OF DATE OF DEATH		\$	
10A. NAME OF MORTGAGE HOLDER		10B. ADDRESS OF MORTGAGE HOLDER			
11. NAME AND TITLE OF OFFICER OR DESIGNEE COMPLETING THIS FORM				12. TELEPHONE NUMBER	
13. SIGNATURE OF OFFICER OR DESIGNEE				14. DATE	

VA FORM 29-0549
SEP 1988

[FR Doc. 88-19363 Filed 8-25-88; 8:45 am]

BILLING CODE 8320-01-C

Sunshine Act Meetings

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:11 a.m. on Tuesday, August 23, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,244—San Francisco Regional Office, San Francisco, California

Matters relating to the possible closing of certain insured banks.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of

subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 23, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 88-19515 Filed 8-24-88; 10:56 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—August 31, 1988.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573-0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Fact Finding Investigation No. 15—Practices of Various Entities Operating as Intermediaries for the Transportation of Goods in the United States Waterborne Foreign Commerce.
2. Trans-Pacific Trades Malpractices.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 88-19562 Filed 8-24-88; 3:16 pm]

BILLING CODE 6730-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10:30 a.m. Monday, September 26, 1988.

PLACE: The Army and Navy Club, 901 17th Street, NW., Washington, DC 20006-2503.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Call meeting to order.
2. Adoption of proposed agenda.
3. Approval of minutes of April 5, 1988 meeting.
4. Report of the Chairman—
 - a. Discussion of any proposed changes in 1989 or 1990 scholarship program.
 - b. Discussion of Public Service Conference in Lexington, VA.
5. Report on Awards Ceremony Speaker.
6. Reports of the Executive Secretary—
 - a. Status of the Trust Fund.
 - b. Regional Review Panel update.
 - c. Comments on faculty representatives.
 - d. Outlook for 1989 nominations.
7. Resolution to empower the Chairman/Executive Secretary to enter/renew contracts, conclude agreements, etc.
8. New Business.
9. Discuss and set date, time and place of Spring Board meeting, April, 1989.
10. Adjournment.

CONTACT PERSON FOR MORE

INFORMATION: Malcolm C. McCormack, Executive Secretary, Telephone (202) 395-4831.

Malcolm C. McCormack,

Executive Secretary.

[FR Doc. 88-19503 Filed 8-24-88; 10:17 am]

BILLING CODE 9500-01-M

Corrections

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Umpqua National Forest Boundary Extension, Tiller Administrative Site

Correction

In notice document 88-17660 appearing on page 29506 in the issue of Friday, August 5, 1988, make the following corrections:

1. On page 29506, in the third column, under *Douglas County*, in the second paragraph, in the 13th line, "4571 feet" should read "45.71 feet".
2. In the same paragraph, in the 14th line, "Northern" was misspelled.
3. In the same paragraph, in the 17th line, "292.60 feet" should read "292.60 feet".
4. In the same paragraph, in the 25th line, "N41°32'" should read "N41°32'E".
5. In the same paragraph, in the 26th line, "N39°41'243.40 feet" should read "N39°41'E243.40 feet".
6. The signature at the bottom of the page should read "Richard E. Lyng".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

(PF-499; FRL-3416-9)

Pesticide Tolerance Petitions; ATL Enterprises, Inc., et al.

Correction

In notice document 88-16329 beginning on page 27391 in the issue of Wednesday, July 20, 1988, make the following corrections:

1. On page 27391, in the second column, under **FOR FURTHER INFORMATION CONTACT** the table should appear as follows:

Product manager	Office location/ telephone number	Address
Phil Hutton (PM 17).	Rm. 207, CM #2, (703)-557-2690.	Do.
Robert Taylor (PM 25).	Rm. 245, CM #2, (703)-557-1800.	Do.

2. On the same page, in the third column, in the fourth complete paragraph, in the 13th line, "tolerance" should read "tolerances".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

(OPTS-51708, FRL-3410-8)

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-15335 beginning on page 25662 in the issue of Friday, July 8, 1988, make the following corrections:

1. On page 25662, in the third column, under **DATES**, in the entry for "P 88-1436", "August 20" should read "August 17".
2. On the same page, in the same column, in the entry for "P 88-1459", "August 23" should read "August 22".
3. On the same page, in the same column, in the entry for "P 88-1463", "August 22" should read "August 23".
4. On page 25663, in the third column, under P 88-1427 in the third line, after *Use/Production*, insert "(S)".
5. On page 25664, in the third column, under P 88-1451, in the sixth line, "2000,000-3,000,000" should read "200,000-3,000,000".
6. On page 25665, in the first column, under P 88-1461, in the first line, "R. R. Vanderbilt" should read "R. F. Vanerbilt"; and in the fourth line, "thiadiaole" should read "thiadiazole".
7. On the same page, in the third column, under P 88-1474, in the third line, "monoethyl" should read "monethyl".
8. On page 25666, in the second column, under P 88-1492, in the eighth line, "mf/kg" should read "mg/kg".
9. On the same page, in the third column, under P 88-1499, in the fifth line, "stontium 90" should read "strontium90".
10. On page 25668, in the first column, under P 88-1529, in the 12th and 13th lines, "moderate species (Rabbit)"

should read "moderate species (Red killifish). Skin irritation: negligible species (Rabbit)".

11. On the same page, in the same column, under P 88-1530, the fifth line should read "nitrophenyl)azo-3-methyl-5-oxo-1H-".

12. On the same page, in the same column, under P 88-1533, in the 12th line, "LD50 5" should read "LD50 > 5".

13. On the same page, in the second column, under P 88-1534, in the fifth line; under P 88-1539, in the eighth line; and under P 88-1540, in the fifth line, "LD50 5" should read "LD50 > 5".

14. On the same page, in the third column, under P 88-1546, in the third line, "raction" should read "reaction".

15. On page 25669, in the first column, under P 88-1556, in the 11th line, after "hr" insert "062".

16. On the same page, in the third column, under P 88-1568, the sixth line should read "phenyl)azo-1,4-dimethyl-, (T-4)-tetrachlorozincate(2) (2:1)".

BILLING CODE 1505-01-D

GENERAL SERVICES ADMINISTRATION

48 CFR Part 553

General Services Administration Acquisition Regulation; Miscellaneous Changes

Correction

In rule document 88-18340 beginning on page 30841 in the issue of Tuesday, August 16, 1988, make the following corrections:

PART 553—[CORRECTED]

1. On page 30845, in the first column, the heading which reads **PART 553—PROTESTS, DISPUTES AND APPEALS**, should read **PART 553—FORMS**.

2. On the same page, in the same column, in amendatory instruction 31, in the first line, "533.370-3420" should read "553.370-3420".

553.370-3420 [Corrected]

3. On the same page, in the second column, in the first line, "533.370-3420" should read "553.370-3420".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

(CO-940-08-4220-10; COC-48697)

Proposed Withdrawal and Proposed Public Meeting; Colorado*Correction*

In notice document 88-18482 beginning on page 30873 in the issue of Tuesday, August 16, 1988, make the following correction:

On page 30873, in the third column, under "T. 10 S., R. 86 W", in the entry for "Sec. 23", the sixth line should read "NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, "

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE**Drug Enforcement Administration**

Kenneth Curtis Davis, R.Ph. and Larry Nicholson, d/b/a Paramount II Pharmacy and Paramount Pharmacy; Revocation of Registrations

Correction

In notice document 88-18423 beginning on page 30876 in the issue of Tuesday, August 16, 1988, make the following correction:

On page 30877, in the third column, in the seventh line, after the word "Paramount" and before the word "Pharmacy", insert "II Pharmacy, be, and it hereby is, revoked. The Administrator further orders that DEA Certificate of Registration BP1156644, previously issued to Kenneth Curtis Davis and Larry Nicholson, d/b/a Paramount".

BILLING CODE 1505-01-D

SMALL BUSINESS ADMINISTRATION**13 CFR Part 121****Size Standard for Refuse and Garbage Collection Services***Correction*

In proposed rule document 88-18310 beginning on page 30691 in the issue of Monday, August 15, 1988, make the following correction:

On page 30694, in the third column, in the middle column of the last table, in the last line, "Without" should read "With".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

(T.D. 8218)

Income Tax; Inclusion Amounts for Listed Property Leased After December 31, 1986*Correction*

In rule document 88-17819 beginning on page 29880 in the issue of Tuesday, August 9, 1988, make the following corrections:

1. On page 29880, in the first column, after the **SUMMARY**, the **DATES** paragraph was omitted and should read as following:

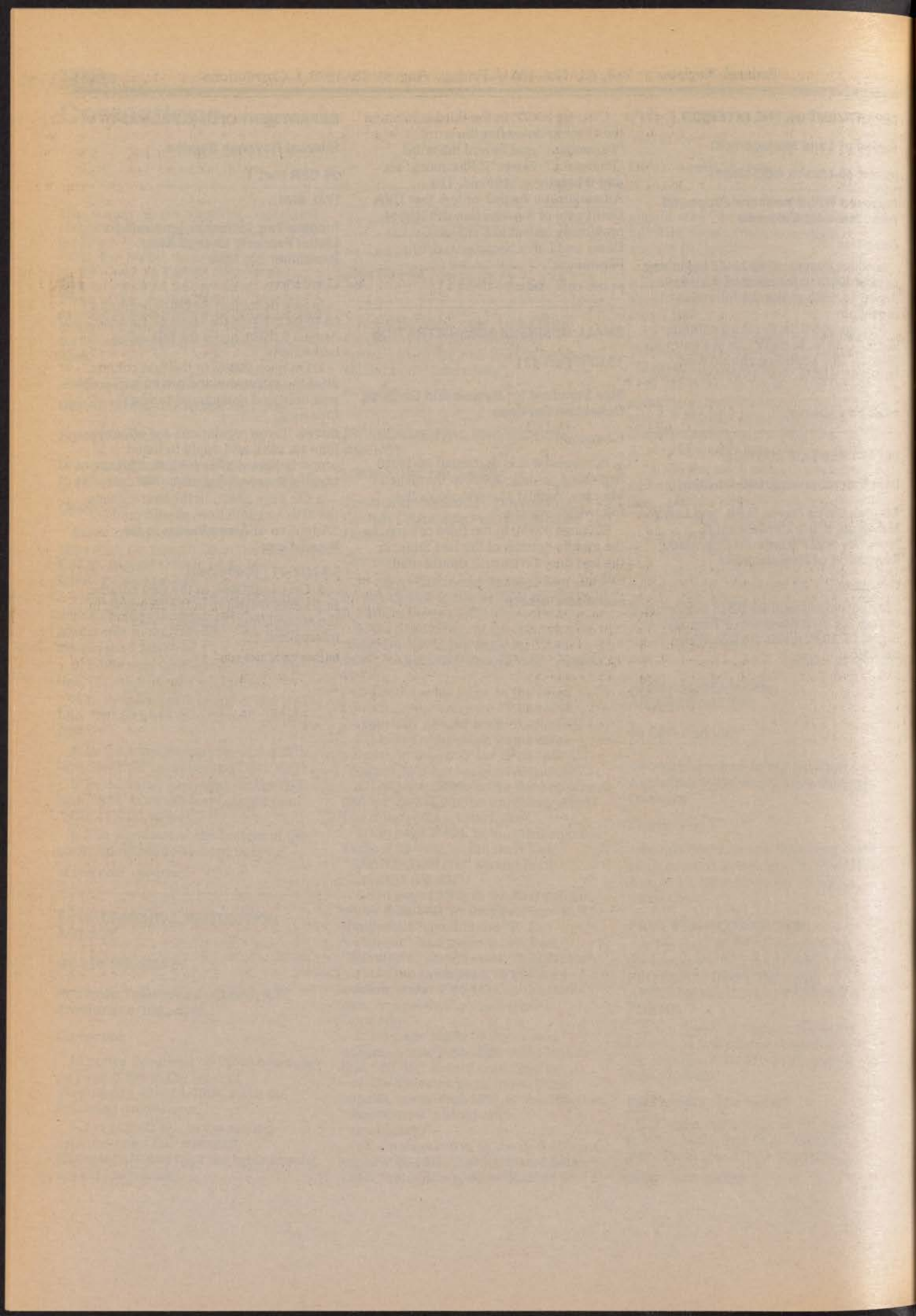
DATES: These regulations are effective June 18, 1984, and apply to listed property leased after June 18, 1984, in taxable years ending after that date.

2. On page 29881, in the first column, the 35th and 36th lines should read "Adoption of Amendments to the Regulations".

§ 1.280F-7T [Corrected]

3. On page 29884, in the first column, in § 1.280F-7T(b)(3), in the *Example*, in the second line, "calendar" was misspelled.

BILLING CODE 1505-01-D



Registered Great Lakes Federal Register

**Friday
August 26, 1988**

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

**Endangered and Threatened Wildlife and
Plants; Determination of Threatened
Status for *Quercus hinckleyi* (Hinckley
Oak) and *Solanum drymophilum*; Final
Rules**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for *Quercus hinckleyi* (Hinckley Oak)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service has determined that a plant, *Quercus hinckleyi* (Hinckley oak), is a threatened species. Hinckley oak is known from four documented localities in Presidio County of western Texas. The plants are threatened by possible changes in grazing practices, road improvements, wildlife predation, disease, hybridization with other oak species, and taking. The determination of threatened status for *Quercus hinckleyi* implements the full protection provided by the Endangered Species Act of 1973 (Act), as amended.

EFFECTIVE DATE: September 26, 1988.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Regional Office of Endangered Species, 500 Gold Avenue SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Charles McDonald, Botanist, Endangered Species Office, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:**Background**

Quercus hinckleyi (Hinckley oak) was first collected by Dr. L.C. Hinckley in The Solitario, Presidio County, Texas, near Solitario Peak in June 1950. Hinckley and Dr. C.H. Muller collected additional specimens a month later and Muller (1951) subsequently named the species in honor of his colleague.

Hinckley oak is a shrubby evergreen sometimes occurring as single stems but more often growing as clonal groups that form dense thickets. Plants reach a maximum height of 1.2 meters (4 feet). The species can be recognized at a distance by its gray-green leaves that lend a smokey appearance to the compact intricately branched plants. The leaves are only about 15 millimeters (.6 inch) long, glabrous, and have spine-tipped margins. Acorns are produced annually, occur singly or paired on the branches, and mature in the fall.

Hinckley oak is a localized component of the middle elevation Chihuahuan Desert vegetation occurring on dry limestone slopes at about 1370 meters (4,500 feet) in elevation. The surrounding desertscrub community is dominated by *Agave lecheguilla* (lechuguilla), *Acacia constricta* (whitethorn acacia), and *Parthenium incanum* (mariola). The area averages 25 centimeters (10 inches) of rain per year and has a frost-free season of 260 days.

There are presently four documented populations of Hinckley oak. Three of the populations occur within 1.9 kilometers (1.2 miles) of each other in The Solitario, which is a circular laccolith approximately 13 kilometers (8 miles) in diameter in southeastern Presidio and southwestern Brewster Counties, Texas. The Solitario populations, all in Presidio County, include the population at the type locality estimated at 30-40 plants, a population discovered in 1984 by Mr. Jeff Clark, a former graduate student at Sul Ross University estimated at 12-15 plants, and a population discovered in 1988 by U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department botanists estimated at 300-500 plants. The fourth population occurs in the vicinity of Shafter in south-central Presidio County. This population was discovered by Barton H. Warnock in 1963 and is estimated at 30-40 plants. Because of the clonal nature of Hinckley oak, these population estimates are very subjective, and mostly should be used to compare the relative sizes of the four known populations.

Two other Hinckley oak sites in the Shafter area have not been relocated, although the area has been searched by Dr. A.M. Powell of Sul Ross University (Miller and Powell 1982). Searches have been conducted but no populations of Hinckley oak have been found in likely habitat in the Mexican State of Coahuila (Miller 1951). Mr. Mike Fleming, of Big Bend National Park has speculated that Hinckley oak may occur within the Park in the Dead Horse Mountains (pers. comm., 1986). Although no occurrences of Hinckley oak in the Dead Horse Mountains have been documented, Fleming's belief is supported by the presence of suitable habitat and evidence from fossil packrat middens that Hinckley oak was more widely distributed in southwestern Texas prior to the area's desertification about 8,000 years ago (Van Devender et al. 1978). The warming and drying trend probably precipitated the decline of Hinckley oak, and may in part explain the species' present limited distribution.

Three of the known Hinckley oak populations occur on private land and

one population occurs on State of Texas land administered by the Texas General Land Office. Formerly, all the populations were thought to be on private land, but a survey by U.S. Fish and Wildlife Service and Texas Parks and Wildlife botanists in the spring of 1988, determined that the type locality in The Solitario has been mapped incorrectly. The correct locality, about 300 meters (330 yards) south of the old one, is within a state-owned section of land leased to the surrounding private ranch for grazing. The State land is not fenced.

Federal action involving this species began with section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of this report as a petition within the context of section 4(c)(2), now section 4(b)(3)(A), of the Act and of its intention thereby to review the status of those plants. On June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. This list of 1,700 plant species was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document 94-51 and the July 1, 1975, *Federal Register* publication. *Quercus hinckleyi* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the April 26, 1978, *Federal Register* (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A one-year grace period was given to proposals already over 2 years old. In the December 10, 1979, *Federal Register* (44 FR 70796), the Service published a notice of withdrawal of the June 16, 1976, proposal, along with 4 other proposals that had expired.

On December 15, 1980 (45 FR 82480), and September 27, 1985 (50 FR 39526), the Service published updated notices reviewing the native plants being considered for classification as threatened or endangered. *Quercus hinckleyi* was included in these notices as a category 1 species. Category 1

comprises taxa for which the Service has sufficient biological information to support proposing them as endangered or threatened.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on pending petitions within one year of their receipt. Section 2(b)(1) of the Act's Amendments of 1982 further requires that all petitions pending on October 12, 1982, be treated as having been newly submitted on that date. Because the 1980 notice of review was accepted as a petition, all of the taxa contained in the notice, including *Quercus hinckleyi*, were treated as being newly petitioned on October 12, 1982. On October 13, 1983, and on or about that date every year thereafter through 1986, the Service made one-year findings that the petition to list *Quercus hinckleyi* was warranted but precluded by other listing actions of higher priority. Biological data, supplied by Miller and Powell (1982), fully support a listing of *Quercus hinckleyi* as threatened. The September 16, 1987, proposal (52 FR 34966) to list *Quercus hinckleyi* is threatened was based primarily on Miller and Powell's biological data and constituted the final finding requirement of Section 4(b)(3)(B) of the Act for the petition on this species.

Summary of Comments and Recommendations

In the September 16, 1987, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the Alpine Avalanche on October 8, 1987.

Three comments were received. Comments by the two botanists who represent the Texas Parks and Wildlife Department on the U.S. Fish and Wildlife Service's Texas Plant Recovery Team, supported the listing but indicated their feeling that Hinckley oak should be listed as endangered rather than threatened. They questioned the Service's assertion in the proposal that Hinckley oak has good recovery potential mentioning such problems as the need for a better understanding of the species' habitat preferences, potential problems with hybridization and genetic contamination in any projects dealing with re-introduction or population augmentation, and the difficulty of maintaining recovery cooperation and coordination with

agencies and individuals over time.

Response: The Service agrees these problems may make recovery difficult, but feels the problems can all be overcome. In addition, none of the Hinckley oak populations appear to be in immediate danger of destruction and this is the principal reason for listing the species as threatened rather than endangered. If declines in the species occur after listing, then Hinckley oak will be reclassified as endangered.

The recovery team members had several other comments. **Comment:** The benefit of collecting acorns for population establishment projects should be weighed against possible damage from the loss of potential recruits to the population. **Response:** If acorns are collected for propagation or population establishment, care will be taken to collect only a small fraction of any year's seed crop. **Comment:** Past and present population counts should be taken lightly because of the highly subjective nature of counting plants that grow in clonal groups. **Response:** The reference to population counts as evidence for a decline in one of the populations has been deleted from the final rule. Also, a statement has been included warning that the population counts included in the rule are highly subjective estimates. **Comment:** The type locality population may be suffering from disease or insect predation. **Response:** The information has been included in the "Summary of Factors" section of this final rule. **Comment:** Information concerning the discovery of the population near Shafter is incorrect. **Response:** The final rule has been corrected. **Comment:** More effort should be expended searching for Hinckley oak within the range represented by late Pleistocene fossil evidence. **Response:** Additional searches for undiscovered populations will be part of the recovery program for this species.

The other comment letter was received from a professional botanist with many years experience studying the botany of the Texas Trans-Pecos region. The botanist neither supported nor opposed the listing, but made several corrections to the collecting history of the species and provided other additional information. **Response:** The corrections and appropriate additional information have been included in the final rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Quercus hinckleyi* should be

classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Quercus hinckleyi* Muller (Hinckley oak) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. In 1986, Texas highway 67 was expanded and the road is now close to the Hinckley oak population near Shafter (Poole, Texas Natural Heritage Program Biologist, pers. comm., 1986). Further expansion or a realignment of the highway may eliminate all or part of the population.

Any change in grazing practices is a potential threat to the three populations in The Solitario. The land presently is used for cattle grazing and at current stocking levels it is unlikely the plants will be damaged. However, nothing prevents the landowner from increasing cattle numbers or introducing other domestic livestock, such as goats, that could easily reach and browse Hinckley oaks. Development of this area as an exotic game ranch is another possible grazing change and some species of exotic game could severely damage Hinckley oak. Exotic game ranching has become a profitable alternative to raising cattle or sheep in other parts of Texas, and west Texas ranchers are also considering this potential income source.

B. Overutilization for commercial, recreational, scientific, or educational purposes. The attractive Hinckley oak has potential as a cultivar. Propagation research was conducted several years ago (B.J. Simpson, Texas A&M Research and Extension Center, Dallas, Texas, pers. comm., 1987), but the work was discontinued when the seedlings being grown were determined to be hybrids. Although plants are grown easily from acorns, some people wanting plants to sell or to continue propagation research may want to take whole plants. Only one population is easily accessible and this population likely would receive the most collecting pressure. This population is already small and any loss of plants would be detrimental. There have been several reported instances of acorns being illegally taken from this population, but the actual impact of acorn collecting is unknown.

C. Disease or predation. Native deer, small mammals, and birds all eat the

acorns of Hinckley oak. In a desert environment where food sources are often scarce, most of the annual acorn crop likely is consumed by predators. The potential value of predators as agents of seed dispersal has not been assessed. As mentioned in Factor A, the introduction of non-native animal predators remains a potential threat. There is evidence of disease or insect predation at the type locality population. The leaf epidermis of green leaves disintegrates and webs are found on the leaves and branches. The frequency and severity of this infestation is unknown.

D. *The inadequacy of existing regulatory mechanisms.* Hinckley oak is not currently protected by Federal or State law.

E. *Other natural or manmade factors affecting its continued existence.* Genetic swamping of small Hinckley oak populations is possible whenever Hinckley oaks grow near more abundant oak species with which they can hybridize. Simpson (pers. comm., 1987) reports that *Quercus pungens* var. *vaseyana* (Vasey oak) is a contaminating pollinator that regularly causes hybrid seed production at one Hinckley oak population.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this final rule. Based on this evaluation, the preferred action is to list *Quercus hinckleyi* as threatened. This action seems appropriate because although this species has a small population size and limited distribution, none of the populations are in imminent danger of destruction. However, *Quercus hinckleyi* is not currently protected by law and if protective measures are not taken, the species could become endangered in the foreseeable future. The reasons for not designating critical habitat are discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As discussed under Factor B in the "Summary of Factors Affecting the Species," *Quercus hinckleyi* is threatened by taking, an activity difficult to control and not regulated by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered

plants from lands under Federal jurisdiction. Publication of critical habitat descriptions would make this species even more vulnerable and increase enforcement problems. All involved parties and landowners have been notified of the location of *Quercus hinckleyi* and the importance of protecting its habitat. Protection of this species' habitat will be addressed through the recovery process and through section 7 of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service at the earliest opportunity. Actions that may benefit Hinckley oak include fencing and continued propagation studies for possible introduction of plants back into native habitat. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The usual result of a section 7 consultation, if jeopardy is found, is modification and not cancellation of a proposed action. The only possible Federal activity involving *Quercus hinckleyi* is Federal Highway Administration funding of any maintenance or widening activities for Texas highway 67.

The Act and its implementing regulations found at 50 CFR 17.71 set

forth a series of general trade prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any threatened plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. With respect to *Quercus hinckleyi*, it is anticipated that few trade permits would ever be sought or issued because although Hinckley oak is presently cultivated to a limited extent, it is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Permit Branch, Office of Management Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/343-4955).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

- Miller, D.J., and A.M. Powell. 1982. Status report on *Quercus hinckleyi*. U.S. Fish and Wildlife Service, Endangered Species Office, Albuquerque, NM. 6 pp.
- Muller, C.H. 1951. The oaks of Texas. Contributions from the Texas Research Foundation 1:40-41.
- Van Devender, T.R., C.E. Freeman, and R.D. Worthington. 1978. Full-glacial and recent vegetation of Livingston Hills, Presidio County, Texas. Southwestern Naturalist 23:289-302.

Author

The primary author of this final rule is Charles McDonald, Endangered Species Office, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972). Status information was provided by Dennis J. Miller, Chihuahuan Desert Research Institute, Alpine, Texas, and A. Michael Powell, Sul Ross University, Alpine, Texas.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended, as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under the family Fagaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Fagaceae—Oak family:						
<i>Quercus hinckleyi</i>	Hinckley oak	U.S.A. (TX)	T	318	NA	NA

Dated: August 11, 1988.

Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-19466 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Solanum drymophilum*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Solanum drymophilum* (Erubia) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Solanum drymophilum* is now limited to the lower montane region of southeastern Puerto Rico. The species is affected by housing construction and deliberate eradication. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Solanum drymophilum*.

EFFECTIVE DATE: September 26, 1988.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT:

Ms. Susan Silander at the Caribbean Field Office address (809/851-7297) or Mr. Tom Turnipseed at the Atlanta Regional Office address (404/331-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

Solanum drymophilum was first collected in 1885 by Paul Sinentis in the Sierra de Cayey, a range of foothills extending to the southeast from the Central Cordillera of Puerto Rico. The species was later found at several scattered locations in these mountains and to the northeast in the Sierra de Naguabo. In the 1950's, R.O. Woodbury found the species near Lares, a town in the lower mountains of western Puerto Rico (Vivaldi and Woodbury 1981). The species has never been observed between these widely disjunct locations. Since its discovery, *Solanum drymophilum* has been extirpated from all known sites except one in the Sierra de Cayey, where approximately 200 plants survive.

Solanum drymophilum is a tall evergreen shrub occasionally reaching 18 feet (5.5 meters) in height, sometimes having a single stem, but often branching from the base. Young twigs, leaves, and flowers are covered with whitish, star-shaped hairs, and the leaves and inflorescence are also armed with numerous yellowish, stiff spines nearly one-half inch (1.25 centimeters) in length. The leaves are alternate, lanceolate to oblanceolate, with entire margins. The bisexual flowers are white, fan-shaped, and borne in subterminal

racemes. The fruits are round, shiny-black berries one-quarter inch (6 to 8 millimeters) in diameter. The species is endemic to evergreen forests on volcanic soils from 1000 to 3000 feet (300 to 900 meters) in elevation. The site where the single population remains is an area of volcanic outcrops known as Las Tetras de Cayey. This site is at an elevation of 2760 feet (840 meters), where there is a mosaic of pasture, remnants of native evergreen forest in draws and on hilltops, and several cleared homesites.

Although the extensive deforestation of the region has caused the loss of known *Solanum drymophilum* populations and probably countless others, it is not certain that the actual or potential range and abundance of the species was in the past. It is possible that it was once at least locally common in many parts of eastern Puerto Rico, and may have also been numerous in the western mountains. The loss of plants to land clearing and deliberate eradication has been documented in the Cayey area (Vivaldi and Woodbury 1981). *Solanum drymophilum* was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Fish and Wildlife Service, as published in the Federal Register (45 FR 82480) dated December 15, 1980. The species was designated category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) and

was retained in category 1 in the November 28, 1983, update (48 FR 53640) of the 1980 notice, and the September 27, 1985, revised notice (50 FR 39526).

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service made subsequent petition findings in October of 1983, 1984, 1985, 1986, and 1987 that listing *Solanum drymophilum* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. The Service proposed listing *Solanum drymophilum* as endangered on November 19, 1987 (52 FR 44580-44583).

Summary of Comments and Recommendations

In the November 19, 1987, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the *San Juan Star* on December 9, 1987. Four letters of comment were received and are discussed below. A public hearing was neither requested nor held.

Comments were received from the Secretary of the Puerto Rico Department of Natural Resources, the Environmental Protection Agency, U.S. Forest Service, and a private citizen, Victor Balbin.

The Secretary of the Puerto Rico Department of Natural Resources supported the proposed listing of *Solanum drymophilum* stating that the Department is aware of the species' limited distribution and is keeping a close watch on activities that might jeopardize survival and recovery. Administrators of the Environmental Protection Agency and the U.S. Forest Service stated that they knew of no ongoing or proposed actions that would impact the species and that they had no information on its status. A private citizen, Victor Balbin, wrote in support of the listing of *Solanum drymophilum*.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Solanum drymophilum* should be

classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Solanum drymophilum* Schulz (erubia) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. Modification of habitat and direct destruction of plants appear to have been, and continue to be, significant factors reducing the numbers of *Solanum drymophilum*. Of four populations documented by the collection of specimens, only one is known to survive. All of the approximately 200 known individuals at the remaining site occur on private land; most are within a pasture surrounded by lots that are being developed for private homes and an adjacent communications facility operated by the Puerto Rico Telephone Company. It is likely that deforestation prior to creation of pasturelands destroyed many plants at this and other sites in the Region. However, it is also possible that, given this species' ability to recolonize disturbed sites, new plants became established within these pastures, and were subsequently eradicated because of their perceived threat to livestock.

B. Overutilization for commercial, recreational, scientific, or education purposes. Taking for these purposes has not been a documented factor in the decline of this species.

C. Disease or predation. Disease and predation have not been documented as factors in the decline of this species.

D. The inadequacy of existing regulatory mechanisms. The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Solanum drymophilum* is not yet on the Commonwealth list. Federal listing would provide interim protection and, if the species is ultimately placed on the Commonwealth list, enhance its protection and possibilities for funding needed research.

E. Other natural or manmade factors affecting its continued existence. The most important factor affecting this species' continued survival is its restricted distribution, with approximately 200 plants known to inhabit a five-acre area that is subject to commercial development. Continued

cutting of the plants to alleviate perceived threats to livestock may not drive the species to extinction, but intensive land alteration at the only known population site could lead to that result. The species is well-adapted to low levels of disturbance, and readily reseeds open areas. However, total land clearance, as is being practiced on surrounding lands, would eliminate potential sources of seed.

It has been reported (Vivaldi and Woodbury 1981) that this species is viewed as a pest and is cut whenever encountered in the fields. *Solanum drymophilum* is extremely spiny, and in some cases the concern for injury to livestock may be justified. Nevertheless, mature plants become progressively less spiny, and the foliage is generally out of the reach of most browsers. Only the young plants are readily accessible to animals, and these were observed to be quite numerous in the remaining pasture supporting most of the known population. Thus, either the species reproduces more rapidly than it can be cut, or there is now less concern regarding its threat to animals.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in making this determination. Based on this evaluation, the preferred action is to list *Solanum drymophilum* as endangered. Although the species seems to produce viable seed in good quantity, and may only require protection from land clearing and deliberate cutting to survive and increase its numbers in the Cayey area, only this single population and limited area of occurrence are known. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The number of individuals of *Solanum drymophilum* is sufficiently small that vandalism could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood

of such activities. The Service believes that Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners have or will be notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not be prudent to determine critical habitat for *Solanum drymophilum* at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If

a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Solanum drymophilum*, as discussed above. Federal involvement is not expected where the species is known to occur.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or to remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.72 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Solanum drymophilum* will ever be sought or issued since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, P.O. Box 27329, U.S. Fish and Wildlife Service, Washington, DC 20038-7329 (202/343-4955).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the

Endangered Species Act of 1974, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

- Ayensu, E.S., and R.A. Defilippis. 1978. Endangered and Threatened Plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, D.C. xv + 403 pp.
- Vivaldi, J.L., and R.O. Woodbury. 1981. Status report on *Solanum drymophilum* Schulz. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Atlanta, Georgia. 24 pp.

Author

The primary author of this final rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under Solanaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Solanaceae—Nightshade family:						
<i>Solanum drymophilum</i>	Erubia.....	U.S.A. (PR).....	E	319	NA	NA

Dated: August 11, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and
Wildlife and Parks.

[FR Doc. 88-19467 Filed 8-25-88; 8:45 am]

BILLING CODE 4310-5K-M

Initial Sequestration Report for Fiscal Year 1989

Friday
August 26, 1988

Part III

Office of Management and Budget

Initial Sequestration Report for Fiscal
Year 1989

**OFFICE OF MANAGEMENT AND
BUDGET****Initial Sequestration Report for Fiscal
Year 1989**

August 25, 1988.

AGENCY: Office of Management and
Budget.**ACTION:** Report Transmittal.**SUMMARY:** This notice transmits the
initial Sequestration Report for FiscalYear 1989. In accordance with the
provisions of the Balanced Budget and
Emergency Deficit Control Reaffirmation
Act of 1987, Public Law 100-119,**INITIAL OMB SEQUESTER REPORT TO THE PRESIDENT
AND CONGRESS FOR FISCAL YEAR 1989****August 25, 1988**

BILLING CODE 3110-01-M



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 25 1988

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

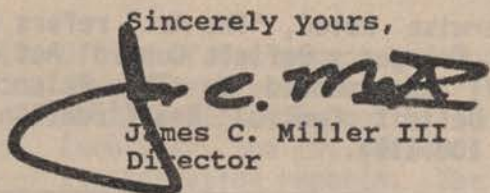
In accordance with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Public Law 100-119, I hereby submit to you my Initial OMB Sequester Report to the President and Congress for Fiscal Year 1989.

The budget estimates contained in this report are based on laws and regulations in effect on August 15, 1988. Because most appropriations bills for fiscal year 1989 have not been enacted, estimates for discretionary programs (other than those funded by the Energy and Water Development Appropriations Act, 1989) are based on appropriations for fiscal year 1988, adjusted for inflation and pay costs as specified in the Act. Also, because the deficit estimate is currently below the \$146 billion sequester trigger level specified in the Act, no sequester is required by this report. However, the Final OMB Sequester Report to the President and Congress for Fiscal Year 1989 to be submitted on October 15th will take into account legislation enacted and final regulations promulgated subsequent to August 15th. To avoid a sequester, we estimate that these actions can add no more than \$2.0 billion to the baseline deficit projected in this report (or \$0.7 billion, after including our estimates of legislation that passed Congress but had not been signed by the President as of the August 15th snapshot date). If legislation is passed that increases outlays by more than that amount, a sequester sufficient to reduce outlays by at least \$10 billion will be indicated in the October report. It is a risk Congress should avoid.

The report is in two parts: a summary and a detailed appendix that lists the sequesterable baseline by agency and budget account. The summary section includes the economic assumptions, the projected budget baseline levels, and comparisons with the estimates provided by the Director of the Congressional Budget Office in his report of August 20th.

With best wishes, I remain,

Sincerely yours,



James C. Miller III
Director

Enclosure

IDENTICAL LETTERS SENT TO THE HONORABLE GEORGE BUSH,
HONORABLE JAMES C. WRIGHT, JR.

TABLE OF CONTENTS

	<u>Page</u>
LETTER OF TRANSMITTAL	
INTRODUCTION.....	1
G-R-H BASELINE TOTALS FOR 1989.....	3
NET DEFICIT REDUCTION ACHIEVED SINCE JANUARY.....	5
ECONOMIC ASSUMPTIONS.....	7
COMPOSITION OF BASELINE OUTLAYS.....	8
SEQUESTERABLE RESOURCES.....	10
SEQUESTRATION CALCULATIONS.....	11
COMPARISONS WITH CONGRESSIONAL BUDGET OFFICE ESTIMATES.....	14
APPENDIX: SEQUESTERABLE BASELINE BY AGENCY AND BUDGET ACCOUNT.....	A-1

LIST OF TABLES

1. G-R-H Baseline Totals for 1989.....	4
2. Differences Between January Law and August Law G-R-H Baseline Deficits.....	6
3. Economic Assumptions.....	7
4. Real Economic Growth Rates by Quarter.....	8
5. Composition of Baseline Outlay Estimates for 1989.....	9
6. Composition of Outlays Subject to Reduction under a 1989 Sequester.....	12
7. Examples of Possible 1989 Sequesters.....	13
8. Differences Between OMB and CBO Baseline Deficits.....	15
9. G-R-H Baseline Spending Estimates for 1989 by Function.....	16
10. G-R-H Baseline Spending Estimates for 1989 by Agency.....	17

GENERAL NOTES

-
1. All years referred to are fiscal years unless otherwise noted.
 2. Details in the tables and text may not add to totals because of rounding.
 3. The source of all data in this report is the Office of Management and Budget unless otherwise noted.
 4. Unless otherwise noted, "The Act" refers to The Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119).
-

August 25, 1988

INTRODUCTION

The Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, commonly known as Gramm-Rudman-Hollings (G-R-H), sets deficit targets for 1989 through 1993 and, if necessary, requires a sequester of budgetary resources (i.e., across-the-board reductions) to achieve these targets. The table below shows the deficit targets specified in the Act. Except in 1993, the Act allows for a \$10.0 billion margin-of-error. Thus, there will be no sequester for 1989 unless the deficit exceeds the sequester trigger level of \$146.0 billion. However, if the 1989 deficit exceeds \$146.0 billion, the Act requires a sequester sufficient to reduce the deficit to the target level of \$136.0 billion. a/

Deficit Targets
(in billions of dollars)

<u>Fiscal Year</u>	<u>Target Deficit</u>	<u>Sequester Trigger</u>
1989 <u>a/</u>	136.0	146.0
1990.....	100.0	110.0
1991.....	64.0	74.0
1992.....	28.0	38.0
1993.....	zero	zero

a/ For 1989 only, the outlay reductions resulting from sequestration are limited to \$36.0 billion. In addition, there would be no sequester if the laws enacted and regulations promulgated between January 1, 1988, and October 1988 reduced the deficit by \$36.0 billion.

It is important to note that the baseline estimates in this report are not intended to be projections of actual receipts, outlays, and the resulting deficit under standard OMB methodologies. The baseline estimates are constructed under very precise legislative language that requires specific assumptions to be used in estimating budgetary resources, outlays, and receipts. This baseline deficit estimate is important, however, because the Act requires a sequester if the October 15th baseline deficit estimate for 1989 exceed \$146.0 billion.

Under the Act, the Director of the Office of Management and Budget (OMB) is to determine each year whether or not sequestration is necessary and, if so, the magnitude of sequestration. The Congressional Budget Office (CBO) plays an advisory role in this process. Each year, the two agencies are required to prepare independently two sets of sequestration reports. The CBO reports are transmitted to the Director of OMB and to Congress, and they provide a benchmark against which Congress and others may assess the OMB reports. The OMB reports are made to the President and to Congress, and they provide the

basis for sequestration orders to be issued by the President. The timetable for the OMB and CBO reports and sequestration orders is as follows:

<u>Report or Order</u>	<u>Date</u>
Snapshot date for initial OMB and CBO reports.....	August 15th
Initial CBO report.....	August 20th
Initial OMB report.....	August 25th
Initial Presidential order.....	August 25th
Revised CBO report.....	October 11th <u>1/</u>
Revised OMB report.....	October 15th
Final Presidential order.....	October 15th

1/ The statutory date for the revised CBO report is October 10th, which is a legal holiday in 1988. The report will therefore be submitted on the following day, as prescribed by the Act.

The initial OMB and CBO sequestration reports are to be based on laws enacted and regulations promulgated as of a common "snapshot date" of August 15th. In contrast, the revised reports must be based on laws enacted and regulations promulgated as final by the latest possible date before the reports are issued. Because the CBO report is to be issued five days before the OMB report, the second "snapshot date" may be different in the final reports of the two agencies. Thus, some legislation and regulations reflected in the final OMB report may not be reflected in the CBO report.

As required by the Act, OMB issued preliminary estimates of the G-R-H baseline deficit in the Mid-Session Review of the 1989 Budget, which was published on July 28, 1988. The next step in the sequestration process for 1989 was the transmittal of the CBO Director's initial sequestration report on August 20, 1988, to the Director of OMB and Congress, providing CBO's estimates of the baseline and sequester calculations. The third step is the issuance of this report, which the Director of OMB provides to the President and Congress.

As required by the Act, this report:

- Estimates the 1989 baseline deficit, using the economic and technical assumptions used in the Mid-Session Review;
- Calculates whether a sequester is required; and
- Presents and explains significant differences between the estimates in this report and the estimates CBO presented in its report.

Because this report indicates that no reductions are yet required for 1989, the President is required to issue an initial order stating that no sequester is required at this point in the G-R-H process. The initial order for fiscal year 1989 is being issued today -- August 25, 1988.

The final sequester report and final Presidential order for 1989 are to be issued on October 15, 1988. The final report will take into account additional measures enacted or promulgated by that date that affect the deficit estimates.

As discussed below, legislation that has passed Congress but had not been signed by the President as of the snapshot date is not reflected in this report. OMB's preliminary estimates indicate that this legislation would add \$1.3 billion to the current \$144.0 billion baseline deficit estimate, bringing the baseline estimate to within \$0.7 billion of the sequester trigger level.

If a sequester for 1989 is to be avoided, Congress and the Administration must continue to work together to ensure that the Bipartisan Budget Agreement reached last November is fully implemented before the final sequester report is issued. New legislation that could undermine the agreement or force a sequester must be avoided. To achieve this goal, any increases in spending over the levels specified in the Bipartisan Budget Agreement will need to be offset by reductions in other spending. The Administration urges the Congress to pass separate appropriations bills that in total stay within the agreement levels.

G-R-H BASELINE TOTALS FOR 1989

As shown in Table 1, OMB's baseline deficit estimate for 1989 based on laws and regulations in effect as of August 15, 1988, is \$144.0 billion -- \$2.0 billion below the level that would trigger a sequester. Baseline revenues are estimated at \$973.8 billion, and baseline outlays are estimated to total \$1,117.8 billion. These estimates are made in accordance with the specifications set forth in the Act. The budget baseline estimates shown in this report reflect legislation enacted and regulations promulgated as of August 15, 1988. They assume that current law for revenues and spending authority (including most entitlements) will continue unchanged, except that expiring provisions of law providing revenues and spending authority are assumed to terminate as scheduled. ^{1/}

^{1/} The Act requires exceptions to the expiring-provision assumption for excise taxes dedicated to a trust fund (but not for spending authority in that trust fund), for Commodity Credit Corporation price support programs, for contract authority for transportation trust funds, and for authority to provide insurance through the Federal Housing Administration fund.

The August baseline estimates for discretionary spending accounts that do not yet have appropriations for 1989 are based on the appropriations enacted for 1988, adjusted only for inflation and pay-related costs, as specified by the Act. The August estimates include the effects of the Energy and Water Development Appropriations Act, 1989, and the effects of the Dire Emergency Supplemental Appropriation Act, 1988; the July estimates did not include either. As required by law, the baseline estimates include the receipts and outlays of the off-budget social security trust funds, but social security benefits themselves are exempt from sequestration.

As discussed in the Mid-Session Review, OMB's estimate of the baseline deficit is further affected by two specific requirements of the law. First, the Act specifically requires that in developing the G-R-H baseline the Director of OMB shall assume that the aggregate spendout rate (the ratio of outlays to new budgetary resources) from sequesterable discretionary resources for defense programs not differ by more than one-half percentage point from the comparable rates contained in the sequester report submitted for the previous fiscal year. The Act applies the same requirement to nondefense programs. The estimates for defense programs meet this requirement. To meet this Congressionally-imposed constraint, for nondefense programs an adjustment from our normal spendout rate methodology had to be made. Thus, an increase in outlays from new budgetary resource in the amount of \$0.6 billion was added to our normal calculations in order to bring the aggregate spendout rate to within one-half percentage point of the benchmark rate. Pursuant to the Act, a similar adjustment -- in the amount of \$1.2 billion -- was contained in the Mid-Session Review published on July 28th. (The reason for the difference is the impact of the Disaster Assistance Act of 1988 on spendout rates.)

Table 1.--G-R-H Baseline Totals for 1989
(in billions of dollars)

	Laws and regulations in effect as of		
	January 1, 1988	July 8, 1988	August 15, 1988
Receipts.....	973.4	973.8	973.8
Outlays.....	1,113.7	1,114.0	1,117.8
Deficit.....	140.3	140.1	144.0

NOTE: All estimates shown reflect the economic and technical assumptions used in the Mid-Session Review of the 1989 Budget. Based on the economic and technical assumptions in the President's February budget, the estimates under laws and regulations in effect as of January 1, 1988 were as follows: Receipts of \$964.6 billion; outlays of \$1,107.4 billion; and a deficit of \$142.7 billion.

Second, the Act requires that aggregate outlays for medicare in the current baseline not differ for technical or economic reasons by more than one percent

from the comparable level published in the current services baseline in February. The most up-to-date information available for these programs results in estimates that slightly exceed this one percent rule. To meet the requirements of the law, a separate adjustment for the G-R-H medicare requirement was added to the baseline. This adjustment reduced outlays in the medicare function and the baseline outlay and deficit totals by \$0.3 billion.

NET DEFICIT REDUCTION ACHIEVED SINCE JANUARY

Estimates of the G-R-H baseline based on laws and regulations in effect on January 1, 1988, produce a deficit of \$140.3 billion. Table 2 shows the impact on this deficit estimate of legislation enacted since January. In total, this legislation has increased the deficit by \$3.7 billion. The Medicare Catastrophic Coverage Act of 1988, which reduced the deficit by \$0.1 billion, was primarily responsible for the decline in the deficit between January 1, 1988, and July 8, 1988, the snapshot date used for the budget baseline estimates in the Mid-Session Review. Between July 8, 1988, and August 15, 1988 (the snapshot date required for this report), however, further changes increased the deficit by \$3.9 billion. The largest increase, \$3.9 billion, results from the Disaster Assistance Act of 1988, which provides aid for farmers stricken by the drought. The assistance provided in the bill includes feed assistance to dairy, livestock, and poultry producers who lost, as a result of the drought, all or part of the feed they normally produce on the farm and disaster payments to all producers based on the severity of their drought losses. In addition, the Energy and Water Development Appropriations Act, 1989, increases the deficit by \$0.2 billion. The Dire Emergency Supplemental Appropriations Act, 1988, increases the deficit by an additional \$0.2 billion. This includes the 1989 spending from the 1988 appropriation as well as the increased budgetary resources and spending in 1989 as a result of a larger 1988 base for the estimates. (Much of the latter increase should disappear when 1989 appropriations are enacted.)

Legislation enacted since July 8th has resulted in a higher aggregate spendout rate from sequesterable nondefense discretionary resources than the comparable spendout rate incorporated in the Mid-Session Review baseline estimates. This is primarily due to increased spending from the direct loan limitation in the Agricultural Credit Insurance Fund resulting from liberalized eligibility criteria enacted in the Disaster Assistance Act of 1988. Because the aggregate spendout rate is constrained by the G-R-H Act, as discussed in the previous section the net effect of these spendout rate changes is a reduction of \$0.6 billion in the adjustment needed to meet the aggregate spendout rate requirement. As additional legislation is enacted the adjustment for the aggregate spendout rate requirement may further change.

The estimates presented in this report do not include the effects of legislation passed by both the House and Senate but not acted upon by the President as of the August 15th snapshot date. The Omnibus Trade and Competitiveness Act of 1988, which provides an expanded trade adjustment assistance entitlement and reduces tariff revenues, would increase the deficit by \$0.4 billion. The Hunger Prevention Act of 1988, which provides increases for food stamps, child nutrition, and emergency feeding, would add another \$0.3 billion to the deficit. The Department of Housing and Urban Development and Independent Agencies Appropriations Act, 1989 would further increase the

**Table 2.--Differences Between January Law and August Law
G-R-H Baseline Deficits for 1989
(in billions of dollars)**

January 1 Law Baseline Deficit.....	140.3
Legislation enacted between January 1st and July 8, 1988:	
Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360).. <td>-0.1</td>	-0.1
Other.....	*
Subtotal, legislation enacted January 1 - July 8.....	<u>-0.1</u>
Debt service (interest).....	<u>-*</u>
Subtotal, change from January 1 law to July 8 law.....	<u>-0.1</u>
July 8 Law Baseline Deficit.....	140.1
Legislation Enacted between July 8th and August 15, 1988:	
Energy and Water Development Appropriations Act, 1989 (P.L. 100-371).....	0.2
Disaster Assistance Act of 1988 (P.L. 100-387).....	3.9
Dire Emergency Supplemental Appropriations Act, 1988 (P.L. 100-393).....	0.2
Subtotal, legislation enacted July 8 - August 15.....	<u>4.3</u>
Impact of congressional constraint on aggregate spendout rate <u>1</u> /.....	<u>-0.6</u>
Debt service (interest).....	<u>0.2</u>
Subtotal, change from July 8 law to August 15 law.....	<u>3.9</u>
August 15 Law Baseline Deficit.....	144.0
Addendum:	
Preliminary estimate of legislation passed by Congress but not acted upon by the President as of August 15th:	
Omnibus Trade and Competitiveness Act of 1988.....	0.4
Hunger Prevention Act of 1988.....	0.3
Department of Housing and Urban Development and Independent Agencies Appropriations Act, 1989.....	0.6
Subtotal, legislation passed but not enacted by August 15th	<u>1.3</u>
Debt Service (interest).....	<u>*</u>
Baseline deficit including legislation passed but not enacted by August 15th.....	<u>145.3</u>

* \$50 million or less.

1/ The reduction in the adjustment since the Mid-Session Review of July 28th.

deficit by \$0.6 billion. After taking into account the preliminary estimates of these Acts, the baseline deficit would be increased to \$145.3 billion -- only \$0.7 billion below the sequester trigger.

ECONOMIC ASSUMPTIONS

The principal economic assumptions underlying the G-R-H baseline estimates for 1989 are shown in Table 3. These are the same assumptions used by OMB for its Mid-Session Review of the 1989 Budget.

The Act requires the OMB Director to estimate the rate of real GNP growth for each quarter of fiscal year 1989, and for the last two quarters of fiscal year 1988. These estimates are shown in Table 4. If either OMB or CBO projects real economic growth to be less than zero for any two consecutive quarters, or if the Department of Commerce reports actual real growth to have been less than one percent for two consecutive quarters, Congress may suspend many of the provisions of the Act. Neither OMB nor CBO projects real economic growth to be less than zero in any quarter during 1988 or 1989.

Table 3.--Economic Assumptions
(Fiscal Year 1989)

Economic Variable

Gross National Product:	
Current dollars (in billions of dollars).....	5,039
Percent change, year over year.....	7.0
Constant (1982) dollars (in billions of dollars).....	4,046
Percent change, year over year.....	3.1
GNP Implicit Price Deflator (percent change, year over year)....	3.8
CPI-W (percent change, year over year).....	4.2
Civilian Unemployment Rate (percent, fiscal year average).....	5.4
Interest Rates (fiscal year average):	
91-day Treasury bills.....	5.6
10-year Treasury notes.....	8.2

**Table 4.--Real Economic Growth Rates by Quarter
(in percents, annual rates)**

FY 1988			FY 1989 Estimates			
Actual Jan-Mar 1988 a/	Apr-Jun 1988 b/	Estimate Jul-Sep 1988	Oct-Dec 1988	Jan-Mar 1989	Apr-Jun 1989	Jul-Sep 1989
3.6	2.6	2.9	2.9	3.3	3.3	3.3

a/ As reported by the Department of Commerce (June 23, 1988) and published in the Mid-Session Review of the 1989 Budget. Subsequently, the Department of Commerce revised the "actual" for January - March 1988 to 3.4 percent. Pursuant to the Act, OMB may not update the Mid-Session figure for purposes of estimating the G-R-H baseline.

b/ On July 27, 1988, the Department of Commerce reported a preliminary "actual" for April - June 1988 of 3.1 percent.

COMPOSITION OF BASELINE OUTLAYS

Table 5 provides further detail on the OMB baseline outlay estimates for 1989. An estimated \$107.5 billion of 1989 outlays for defense programs, or 37 percent of total defense outlays, are associated with budgetary resources subject to any across-the-board percentage reduction. This figure excludes outlays from military personnel accounts. Under the Act, the President is granted authority, which he has already notified Congress he intends to use if there is a sequester this year, to exempt all military personnel accounts from such sequester.

An estimated \$216.6 billion of outlays for nondefense programs, or 26 percent of total nondefense outlays, are associated with sequesterable budgetary resources. About \$110.2 billion of these outlays, or 13 percent of total nondefense outlays, are associated with programs with automatic spending increases and certain special rule programs, the largest of which is medicare. The Act limits the extent of spending reductions for these programs.

Of the total estimated 1989 nondefense outlays of \$824.1 billion, an estimated \$106.4 billion -- about 13 percent of nondefense outlays -- are associated with budgetary resources subject to an across-the-board percentage reduction. 2/

2/ The estimated \$106.4 billion nondefense total subject to across-the-board reduction shown in Table 5 excludes \$6.0 billion of 1990 outlays for CCC that are also subject to a 1989 sequester.

Table 5.--Composition of Baseline Outlay Estimates for 1989
(dollar amounts in billions)

	Estimate	Percent of Total
Defense Programs a/:		
Subject to across-the-board reduction b/....	107.5	9.6
Exempt from sequestration c/.....	186.3	16.7
Subtotal, defense programs.....	293.8	26.3
Nondefense Programs:		
Subject to sequestration:		
Certain programs with automatic spending increases d/.....	1.3	0.1
Certain special rule programs e/.....	108.9	9.7
Subject to across-the-board reductions f/. ..	106.4	9.5
Subtotal, subject to sequestration.	216.6	19.4
Exempt from sequestration:		
Social security.....	230.6	20.6
Federal retirement, disability, and workers compensation.....	62.0	5.5
Earned income tax credit.....	3.8	0.3
Low-income programs g/.....	75.2	6.7
Veterans compensation and pensions.....	14.9	1.3
State unemployment benefits.....	13.3	1.2
Offsetting receipts and collections.....	-62.3	-5.6
Net interest.....	157.5	14.1
Other h/.....	112.6	10.1
Subtotal, exempt from sequestration	607.5	54.3
Subtotal, nondefense programs.....	824.1	73.7
Total.....	1,117.8	100.0

a/ Budget function 050, excluding FEMA programs.

b/ Excludes military personnel accounts exempted by Presidential authority.

c/ Largely outlays from military personnel accounts, which were exempted by Presidential authority, and outlays from obligated balances.

d/ National Wool Act, special milk, and vocational rehabilitation programs.

e/ Guaranteed student loans, foster care and adoption assistance, medicare, veterans medical care, and other health programs.

f/ Excludes \$6.0 billion in estimated 1990 outlays for the Commodity Credit Corporation (CCC) that are also subject to a 1989 sequester.

g/ Family support payments, child nutrition, medicaid, food stamps, SSI, and WIC.

h/ Outlays from prior-year appropriations, certain prior legal obligations, and other exempt programs.

An estimated \$607.5 billion of nondefense outlays, or 74 percent of total nondefense outlays, are exempt from sequestration.

For defense and nondefense programs combined, an estimated \$793.8 billion in outlays, or 71 percent of total outlays, are associated with budgetary resources exempt from sequestration.

SEQUESTERABLE RESOURCES

In the event that a sequester is indicated in the final sequester report for 1989, the required reductions in outlays would not be made directly; rather, they would be achieved by the permanent cancellation -- referred to under the Act as "sequestration" -- of budget authority and other authority to obligate and expend funds (except that amounts sequestered in special and trust funds remain in such funds). For defense programs, sequesterable budgetary resources are defined to be new budget authority provided for 1989 and unobligated balances of budget authority provided in previous years. For nondefense programs, the sequesterable budgetary resources are new budget authority; new direct loan obligations, commitments, or limitations; new guaranteed loan commitments or limitations; obligation limitations, and spending authority as defined in Section 401(c)(2) of the Congressional Budget Act of 1974. This definition of spending authority includes various mandatory and permanent appropriations, as well as Federal payments financed by offsetting collections that are credited to budget accounts.

Not all budgetary resources are subject to sequestration. The Act exempts a number of Federal programs and activities from sequestration. As shown in Table 5, the largest are social security benefits, net interest, certain low-income programs, most Federal retirement and disability benefits, veterans compensation and pensions, and regular State unemployment insurance benefits. Also exempt from sequestration are prior legal obligations of the Government in specified budget accounts. Federal administrative expenses, including those for most programs and activities that are otherwise exempt and those for programs that are self-supporting, are subject to sequester. Outlays from obligated balances for defense programs and outlays from obligated and unobligated balances of prior-year appropriations for nondefense programs are generally not subject to sequestration. In addition, the President has used the authority granted under the Act to exempt all military personnel accounts from sequester. As a result, the remaining sequesterable accounts for defense would be subject to a higher uniform percentage reduction than they would have been otherwise.

Certain programs and activities, while not exempt, are subject to special rules that have the effect of limiting the amount of the spending reduction. For example, the sequestration reduction for medicare, veterans medical care, and certain health programs (but not for the administrative expenses of these programs) is limited to two percent annually. In addition, the total amount of the automatic spending increases in three programs specified in the Act is sequesterable; however, the program base for the automatic spending increase is exempt.

For credit programs, the measures governing sequesterable budgetary resources are direct loan obligations and guaranteed loan commitments. In the event of a sequester, the Act requires that credit limitations enacted in annual

appropriation acts be reduced, and that de facto limitations be imposed on both types of new credit activity where there is no enacted limitation. For the Commodity Credit Corporation (CCC) any contract entered into after a sequestration order has been issued for a fiscal year is subject to sequester. CCC outlay reductions in the post-sequester year (1990) that are the result of a 1989 sequester are to be credited to the overall outlay reduction required in the sequester year (1989).

SEQUESTRATION CALCULATIONS

Although the current estimate of the deficit excess (\$8.0 billion) is not sufficient to trigger a sequester, if the final sequester report for 1989 (to be transmitted October 15, 1988) indicates a sequester is required due to legislation enacted subsequent to August 15th, the sequester calculations would be made as follows.

First, the total amount of the deficit excess is calculated by subtracting the \$136.0 billion deficit target for 1989 from the baseline deficit. If the deficit excess is less than or equal to \$10 billion, no sequester is required. Otherwise, a sequester equal to the deficit excess amount is required. ^{3/}

One-half of the sequester amount is assigned to defense programs (budget accounts in the national defense function, 050, excluding the Federal Emergency Management Agency) and the other half to nondefense programs.

Second, all savings from eliminating automatic spending increases in three specific programs -- the National Wool Act, the special milk program, and vocational rehabilitation -- are applied to the required reduction in outlays for nondefense programs. (For 1989, only vocational rehabilitation State grants are estimated to have an automatic spending increase -- a 4.5 percent increase totalling \$48 million in outlays.)

^{3/} Because no net reduction in the 1989 deficit has been achieved since January 1988, the alternative sequestration calculation allowed under the Act -- a maximum reduction of \$36 billion -- is improbable and therefore not discussed.

**Table 6.--Composition of Outlays Subject to Reduction
Under a 1989 Sequester
(in millions of dollars)**

Category:

Potential savings from automatic spending increases.....	48
Potential saving from the application of special rules:	
Guaranteed student loans.....	37
Foster care and adoption assistance.....	4
Medicare.....	1,320
Other health programs.....	188
Subtotal, Special rules.....	1,548
Total, Potential savings from automatic spending increases and special rules.....	1,596
Outlays associated with sequesterable budgetary resources subject to potential across-the-board reduction:	
Defense programs.....	107,498
Nondefense programs ^{1/}	112,400

^{1/} Includes \$6,018 million in estimated 1990 outlays for the Commodity Credit Corporation that can be affected by a 1989 sequester and \$2,211 million in 1989 outlays from offsetting collections.

Third, the amount of outlay savings to be obtained by applying two of the four special rules is calculated. These special rules are for guaranteed student loans and for foster care and adoption assistance. The estimated savings from these special rules are applied toward the required spending reductions in nondefense programs. An initial uniform sequester percentage for nondefense programs is calculated at this point. If the initial nondefense sequester percentage is greater than two percent, the savings from applying two additional special rules for medicare and certain other health programs are also calculated at this stage and applied toward the required spending reductions for nondefense. The nondefense sequester percentage is then recalculated. Under current baseline estimates, the four special rules would provide \$1,548 million of the nondefense sequester amount (if the sequester is 2 percent or more for nondefense programs).

The reductions in defense programs and remaining reductions in nondefense programs must be taken on a uniform percentage basis, computed separately for each category. The uniform reduction percentages are computed from outlay estimates. The remaining outlay savings to be achieved separately in defense and nondefense spending are divided by the estimated outlays associated with

sequesterable budgetary resources in each category. The two resulting uniform reduction percentages for defense and nondefense are then applied separately to all of the remaining sequesterable budgetary resources (budget authority, credit authority, and other spending authority) in each category.

Table 7.--Examples of Possible 1989 Sequester
(in billions of dollars)

	<u>Defense</u>	<u>Nondefense</u>
<u>Example 1: \$10 billion sequester</u>		
Budgetary resources.....	267.7	492.4
Associated outlays.....	107.7	112.6
Percentage across-the-board reduction required.....	4.6	3.0
<u>Example 2: \$15 billion sequester</u>		
Budgetary resources.....	269.0	494.8
Associated outlays.....	108.2	113.2
Percentage across-the-board reduction required.....	6.9	5.2
<u>Example 3: \$20 billion sequester</u>		
Budgetary resources.....	270.4	497.3
Associated outlays.....	108.8	113.7
Percentage across-the-board reduction required.....	9.2	7.4

NOTE: To reach the hypothetical deficit levels of \$146 billion, \$151 billion, and \$156 billion, the baseline budgetary resources and outlays for all sequesterable and exempt programs -- other than special rule programs -- were increased proportionately across-the-board. In all cases, the savings associated with nondefense programs subject to special rules was assumed to be \$1.6 billion.

The calculations generally assume that all nonexempt budgetary resources can be sequestered to produce outlay savings, including entitlement programs and other mandatory spending programs for which the spending authority is not controlled through the annual appropriations process. In a few instances the uniform percentage reduction of budgetary resources would not produce any outlay savings. Two examples are credit programs with new direct loan limits higher than expected program levels and intragovernmental payments to

revolving funds -- such as Government payments for annuitants, Federal employee health benefits. For such cases, no outlays are included in the sequester base used for calculating the uniform reduction percentages.

An understanding of the scope of a potential sequester may be gleaned from a few examples. Assume first a minimum sequester -- \$10 billion; this would occur if the October 15th estimate of the G-R-H baseline deficit just exceeded the \$146.0 billion trigger. Second, assume that the October 15th calculation of the G-R-H baseline deficit turned out to be \$151.0 billion; in this case, the sequester amount would be \$15.0 billion. Finally, assume that the October 15th report calculated a G-R-H baseline deficit of \$156.0 billion -- requiring a sequester of \$20.0 billion. The results are shown in Table 7.

COMPARISONS WITH CONGRESSIONAL BUDGET OFFICE ESTIMATES

The Congressional Budget Office (CBO) issued its initial sequester report on August 20th, showing an estimate of \$153.0 billion for the G-R-H baseline deficit for 1989. As shown in Table 8, CBO and OMB differ by \$9.0 billion in their estimates of this baseline deficit. While OMB estimates show that the deficit is below the \$146 billion trigger for sequestration the CBO estimate is \$7.0 billion above the trigger, which would require outlay reductions of \$17.0 billion. This \$7.0 billion difference is small, as such things go, amounting to less than three quarters of 1 percent of either the G-R-H total receipt or outlay estimate.

The difference between OMB and CBO economic assumptions accounts for \$5.0 billion of the difference between the baseline deficit estimates. The CBO forecast includes higher interest, unemployment, and inflation rates than the OMB forecast. Technical estimating differences result in an additional \$4.3 billion difference in the deficit estimates. These differences are the net effect of a \$2.2 billion increase in receipts under CBO technical assumptions relative to OMB estimates, more than offset by a \$6.6 billion increase in outlay estimates, principally for national defense and aid to thrift and banking institutions. For national defense, CBO estimates \$5.7 billion more in outlays than OMB primarily due to faster spendout rates from new budgetary resources. Differences for the Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation are in large part due to different assumptions about timing of problem case resolution, with CBO assuming less aid will be given in 1988 and more in 1989. Accounting differences in the classification of Nuclear Regulatory Commission user fees and certain customs fees have no effect on the deficit but reduce CBO estimates of both receipts and outlays below the OMB estimates by \$0.3 billion. Finally, two adjustments required by law of OMB baseline estimates, which are discussed in the section on budget baseline totals, do not affect the CBO estimates. On net, the adjustments increase the OMB outlay and deficit estimates by \$0.3 billion.

**Table 8.--Differences Between OMB and CBO Baselines
(in billions of dollars)**

	<u>Outlays</u>	<u>Receipts</u>	<u>Deficit</u>
OMB Baseline.....	1,117.8	973.8	144.0
Differences:			
Economic:			
Interest Rates.....	6.2	0.7	5.5
Other (including debt service).....	<u>2.8</u>	<u>3.3</u>	<u>-0.5</u>
Subtotal, economic.....	9.0	4.0	5.0
Technical:			
National defense.....	5.7	---	5.7
Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation.....	3.1	---	3.1
Other.....	<u>-2.3</u>	<u>2.2</u>	<u>-4.5</u>
Subtotal, technical.....	6.6	2.2	4.3
Accounting:			
Nuclear Regulatory Commission fees and customs receipts.....	-0.3	-0.3	---
Required adjustments in the OMB baseline:			
Aggregate spendout rate requirement....	-0.7	---	-0.7
Medicare one percent rule.....	<u>0.3</u>	<u>---</u>	<u>0.3</u>
Subtotal, required adjustments in the OMB baseline.....	-0.3	---	-0.3
Total differences.....	14.9	5.9	9.0
CBO Baseline.....	1,132.8	979.8	153.0

Because OMB and CBO differ in their estimates of the baseline deficit, they also differ in their estimate of the need for a sequester and required outlay reductions. OMB estimates no sequester of budgetary resources or required outlay reductions. CBO, however, estimates required outlay reductions totalling \$17 billion (\$8.5 billion each for defense programs and for nondefense programs). CBO's estimate of required reductions in budgetary resources is \$52.8 billion (\$19.9 billion for defense programs and \$32.9 billion for nondefense programs). Similarly, since OMB estimates that no outlay reductions are required, no budgetary resource reductions would be

estimated using CBO's technical assumptions with OMB's aggregate outlay reduction amount (a calculation required by Section 251(a)(2)(B)(ii) of the Act whether or not a sequester is required).

Summary tables showing the baseline budget authority and outlay estimates by agency and by function follow this section. An appendix showing the sequesterable baseline estimates by agency and budget account concludes the report.

TABLE 9.--G-R-H Baseline Spending Estimates for 1989 by Function
(in billions of dollars)

<u>Function</u>	<u>Budget Authority</u>	<u>Outlays</u>
National defense.....	306.8	294.1
International affairs.....	16.7	15.9
General science, space, and technology.....	11.3	11.7
Energy.....	6.1	5.0
Natural resources and environment.....	16.0	16.0
Agriculture.....	23.3	21.2
Commerce and housing credit.	16.1	11.6
Transportation.....	28.4	27.9
Community and regional development.....	7.5	6.7
Education, training, employ- ment, and social services..	36.4	36.2
Health.....	50.0	49.3
Medicare.....	106.2	86.1
Income security.....	176.5	135.4
Social security.....	283.6	232.6
Veterans benefits and services.....	29.5	29.2
Administration of justice...	9.0	8.8
General government.....	10.1	9.6
Net Interest.....	157.5	157.5
Allowances.....	---	0.7
Undistributed offsetting receipts.....	-37.4	-37.4
Total.....	1,253.5	1,117.8

Table 10.--G-R-H Baseline Spending Estimates for 1989 by Agency
(in billions of dollars)

<u>Department or Other Unit</u>	<u>Budget Authority</u>	<u>Outlays</u>
Legislative Branch.....	2.0	2.0
The Judiciary.....	1.4	1.4
Executive Office of the President.....	0.1	0.1
Funds Appropriated to the President.....	10.6	11.1
Agriculture.....	56.5	52.3
Commerce.....	2.5	2.5
Defense-Military.....	298.2	285.6
Defense-Civil.....	38.4	23.6
Education.....	21.6	20.8
Energy.....	12.2	11.4
Health and Human Services, except Social Security.....	193.5	173.1
Health and Human Services, Social Security.....	278.1	227.0
Housing and Urban Development.....	15.9	20.5
Interior.....	5.5	5.4
Justice.....	5.7	5.5
Labor.....	31.7	22.4
State.....	4.0	3.5
Transportation.....	27.5	27.0
Treasury.....	218.8	218.5
Environmental Protection Agency.....	5.1	5.1
General Services Administration.....	0.1	—*
National Aeronautics and Space Administration.....	9.3	9.8
Office of Personnel Management.....	50.9	30.9
Small Business Administration.....	0.4	0.4
Veterans Administration.....	29.4	29.1
Other independent agencies..	21.7	16.2
Allowances.....	---	0.7
Undistributed offsetting receipts.....	-87.9	-87.9
Total.....	1,253.5	1,117.8

* \$50 million or less.

APPENDIX: SEQUESTERABLE BASELINE BY

AGENCY AND BUDGET ACCOUNT

(fiscal year 1989; in thousands of dollars)

A-1

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Legislative Branch		House office buildings	
Senate		(01-15-0127-801) Budget Authority	32,165
Salaries, officers and employees		Outlays	22,869
(01-05-0110-801) Budget Authority	355,326	Capitol Power Plant	
Outlays	332,230	(01-15-0133-801) Budget Authority	25,599
House of Representatives		401(C) Authority--Off. Coll.	123
Mileage of Members		Outlays	22,138
(01-10-0208-801) Budget Authority	218	Structural and mechanical care, Library buildings and ground	
Outlays	109	(01-15-0155-801) Budget Authority	7,115
Salaries and expenses		Outlays	5,720
(01-10-0400-801) Budget Authority	541,101	Library of Congress	
Outlays	509,717	Salaries and expenses	
Congressional use of foreign currency, House of Representatives		(01-25-0101-503) Budget Authority	147,115
(01-10-0488-801) 401(C) Authority	2,700	401(C) Authority--Off. Coll.	4,828
Outlays	2,700	Outlays	125,462
Joint Items		Copyright Office: Salaries and expenses	
Capitol Guide Service		(01-25-0102-376) Budget Authority	12,242
(01-12-0170-801) Budget Authority	1,203	401(C) Authority--Off. Coll.	6,992
Outlays	1,083	Outlays	18,193
Joint Committee on Printing		Congressional Research Service: Salaries and expenses	
(01-12-0180-801) Budget Authority	1,097	(01-25-0127-801) Budget Authority	45,421
Outlays	988	Outlays	41,061
Joint Economic Committee		Books for the blind and physically handicapped: Salaries & e	
(01-12-0181-801) Budget Authority	3,363	(01-25-0141-503) Budget Authority	37,677
Outlays	3,195	Outlays	18,838
Office of the Attending Physician		Furniture and furnishings	
(01-12-0425-801) Budget Authority	1,570	(01-25-0146-503) Budget Authority	6,043
Outlays	630	Outlays	3,420
Joint Committee on Taxation		Gift and trust fund accounts	
(01-12-0460-801) Budget Authority	4,450	(01-25-9971-503) Obligation limitation	288
Outlays	4,228	Government Printing Office	
General expenses, Capitol police		Office of Superintendent of Documents: Salaries and expenses	
(01-12-0476-801) Budget Authority	1,800	(01-30-0201-808) Budget Authority	19,970
Outlays	1,528	Outlays	12,401
Statements of appropriations		Congressional printing and binding	
(01-12-0499-801) Budget Authority	20	(01-30-0203-801) Budget Authority	73,033
Official mail costs		Outlays	58,426
(01-12-0825-801) Budget Authority	85,285	General Accounting Office	
Outlays	85,285	Salaries and expenses	
Congressional Budget Office		(01-35-0107-801) Budget Authority	347,520
Salaries and expenses		Outlays	319,790
(01-14-0100-801) Budget Authority	18,813	United States Tax Court	
Outlays	16,932	Salaries and expenses	
Architect of the Capitol		(01-40-0100-752) Budget Authority	28,845
Office of the Architect of the Capitol: Salaries		Outlays	23,076
(01-15-0100-801) Budget Authority	6,281	Other Legislative Branch Agencies	
Outlays	5,722	Commission on Security & Cooperation in Europe: Salaries & e	
Contingent expenses		(01-45-0110-801) Budget Authority	739
(01-15-0102-801) Budget Authority	50	Outlays	664
Outlays	50	Botanic Garden: Salaries and expenses	
Capitol buildings		(01-45-0200-801) Budget Authority	2,350
(01-15-0105-801) Budget Authority	13,470	Outlays	2,115
Outlays	10,843	Copyright Royalty Tribunal: Salaries and expenses	
Capitol grounds		(01-45-0310-376) Budget Authority	140
(01-15-0108-801) Budget Authority	3,593	Outlays	125
Outlays	2,989	Biomedical Ethics: Salaries and expenses	
Senate office buildings		(01-45-0400-801) Budget Authority	106
(01-15-0123-801) Budget Authority	24,527	Outlays	106
Outlays	18,052	International conferences and contingencies: House, Senate &	

A-2

A-3

Account Title	Sequesterable Base	Account Title	Sequesterable Base
(01-45-0500-801) 401(C) Authority	290	Executive Residence at the White House	
Outlays	290	Operating expenses	
Office of Technology Assessment: Salaries and expenses		(03-20-0210-802) Budget Authority	7,357
(01-45-0700-801) Budget Authority	17,750	401(C) Authority--Off. Coll.	1,362
Outlays	13,312	Outlays	7,431
Payment to the Congressional Award Board		Official Residence of the Vice President	
(01-45-0900-801) Budget Authority	189	Operating expenses	
Outlays	189	(03-21-0211-802) Budget Authority	269
Legislative Branch		Outlays	235
Total		Special Assistance to the President	
Budget Authority	1,866,186	Salaries and expenses	
401(C) Authority	2,990	(03-22-1454-802) Budget Authority	2,272
401(C) Authority--Off. Coll.	11,943	Outlays	1,999
Obligation limitation	288	Council of Economic Advisers	
Outlays	1,684,476	Salaries and expenses	
The Judiciary		(03-28-1900-802) Budget Authority	2,632
Supreme Court of the United States		Outlays	2,290
Salaries and expenses		Council/Office on Environmental Quality	
(02-05-0100-752) Budget Authority	14,967	Council on Environmental Quality & Off. of Environmental Qua	
Outlays	10,192	(03-31-1453-802) Budget Authority	870
Care of the building and grounds		Outlays	827
(02-05-0103-752) Budget Authority	2,208	Office of Policy Development	
Outlays	2,000	Salaries and expenses	
United States Court of Appeals for Federal Circuit		(03-35-2200-802) Budget Authority	3,157
Salaries and expenses		Outlays	2,747
(02-07-0510-752) Budget Authority	6,581	National Security Council	
Outlays	5,872	Salaries and expenses	
United States Court of International Trade		(03-40-2000-802) Budget Authority	5,254
Salaries and expenses		Outlays	4,203
(02-15-0430-752) Budget Authority	7,280	National Critical Materials Council	
Outlays	6,996	Salaries and expenses	
Courts of Appeals, District Courts and other Svcs		(03-41-0111-802) Budget Authority	364
Salaries and expenses		Outlays	331
(02-25-0920-752) Budget Authority	1,053,799	Office of Administration	
Outlays	958,588	Salaries and expenses	
Defender services		(03-42-0038-802) Budget Authority	16,724
(02-25-0923-752) Budget Authority	88,718	Outlays	12,041
Outlays	45,779	Office of Management and Budget	
Fees of jurors and commissioners		Office of Federal Procurement Policy: Salaries and expenses	
(02-25-0925-752) Budget Authority	45,313	(03-48-0201-802) Budget Authority	2,423
Outlays	44,271	Outlays	2,183
Court security		Salaries and expenses	
(02-25-0930-752) Budget Authority	42,418	(03-48-0300-802) Budget Authority	41,028
Outlays	25,875	Outlays	36,474
Administrative Office of the United States Courts		Office of Science and Technology Policy	
Salaries and expenses		Salaries and expenses	
(02-26-0927-752) Budget Authority	32,741	(03-49-2600-802) Budget Authority	1,982
Outlays	28,943	Outlays	1,189
Federal Judicial Center		Office of the United States Trade Representative	
Salaries and expenses		Salaries and expenses	
(02-30-0928-752) Budget Authority	11,039	(03-50-0400-802) Budget Authority	15,983
Outlays	8,467	Outlays	13,586
The Judiciary		White House Conference for a Drug Free America	
Total		Salaries and expenses	
Budget Authority	1,305,064	(03-55-0212-551) Budget Authority	2,615
Outlays	1,136,983	Outlays	2,265
Executive Office of the President		Executive Office of the President	
The White House Office		Budget Authority	130,701
Salaries and expenses		401(C) Authority--Off. Coll.	1,362
(03-10-0110-802) Budget Authority	27,771		
Outlays	24,995		

A-5

A-4

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Funds Appropriated to the President	112,796	Development fund for Africa	
Unanticipated Needs		(04-14-1014-151) Budget Authority	570,900
Unanticipated needs		Outlays	70,221
(04-06-0037-802) Budget Authority	1,038	Functional development assistance program	
Outlays	999	(04-14-1021-151) Budget Authority	1,196,885
International Security Assistance		Outlays	147,217
Peacekeeping operations		International disaster assistance	
(04-09-1032-152) Budget Authority	32,893	(04-14-1035-151) Budget Authority	25,950
Outlays	22,696	Outlays	6,436
Economic support fund		Housing and other credit guaranty programs	
(04-09-1037-152) Budget Authority	3,322,451	(04-14-4340-151) 401(C) Authority--Off. Coll.	6,630
Outlays	1,857,250	Guaranteed Loan Limitation	129,750
Military assistance		Outlays	6,630
(04-09-1080-152) Budget Authority	727,378	Private sector revolving fund	
Outlays	189,118	(04-14-4341-151) Budget Authority	7,206
International military education and training		Direct Loan Limitation	12,456
(04-09-1081-152) Budget Authority	49,201	Trade and Development Program	
Outlays	22,140	(04-16-1001-151) Budget Authority	25,975
Foreign military sales credit		Outlays	5,377
(04-09-1082-152) Budget Authority	4,202,862	Peace Corps	
Direct Loan Limitation	4,202,862	Peace Corps	
Outlays	1,827,200	(04-18-0100-151) Budget Authority	153,587
Multilateral Assistance		Outlays	126,095
Contribution to the Inter-American Development Bank		Overseas Private Investment Corporation	
(04-12-0072-151) Budget Authority	60,863	(04-20-4030-151) 401(C) Authority--Off. Coll.	12,030
Outlays	1,887	Direct Loan Limitation	23,874
Contribution to the International Development Association		Guaranteed Loan Limitation	207,600
(04-12-0073-151) Budget Authority	949,770	Outlays	14,585
Contribution to the Asian Development Bank		Inter-American Foundation	
(04-12-0076-151) Budget Authority	44,693	Inter-American Foundation	
Outlays	6,252	(04-22-4031-151) Budget Authority	13,559
Contribution to the International Bank for Reconstruction &		401(C) Authority--Off. Coll.	9,083
(04-12-0077-151) Budget Authority	41,703	Outlays	9,057
Outlays	4,170	African Development Foundation	
Contribution to the International Finance Corporation		African Development Foundation	
(04-12-0078-151) Budget Authority	21,071	(04-24-0700-151) Budget Authority	7,291
Outlays	21,071	Outlays	4,375
Contribution to the African Development Fund		Military Sales Programs	
(04-12-0079-151) Budget Authority	77,850	Special defense acquisition fund	
Contribution to the African Development Bank		(04-37-4116-155) Obligation limitation	245,866
(04-12-0082-151) Budget Authority	9,341	Foreign military sales trust fund	
Outlays	9,341	(04-37-8242-155) 401(C) Authority--Off. Coll.	340,000
Contribution to Multilateral Investment Guarantee Agency		Outlays	340,000
(04-12-0084-151) Budget Authority	46,090	Special Assistance for Central America	
Outlays	23,045	Central American reconciliation assistance	
International organizations and programs		(04-55-1038-152) Budget Authority	28,753
(04-12-1005-151) Budget Authority	253,945	Outlays	13,183
Outlays	167,096	Assistance to the Nicaraguan democratic assistance	
Agency for International Development		(04-55-1090-054) Budget Authority	7,399
Operating expenses, Agency for International Development		Outlays	7,399
(04-14-1000-151) Budget Authority	425,461	Funds Appropriated to the President	
Outlays	319,096	Total	
Operating expenses of the AID Office of Inspector General		Budget Authority	12,370,729
(04-14-1007-151) Budget Authority	25,094	401(C) Authority--Off. Coll.	367,743
Outlays	18,820	Obligation limitation	245,866
American schools and hospitals abroad		Direct Loan Limitation	4,239,192
(04-14-1013-151) Budget Authority	41,520	Guaranteed Loan Limitation	337,350
Outlays	10,588	Outlays	5,251,344

A-7

A-6

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Department of Agriculture		Economic Research Service	
Office of the Secretary		Outlays	53,324
(05-03-0115-352) Budget Authority	6,023	Salaries and expenses	
Outlays	5,722	(05-36-1701-352) Budget Authority	
Departmental Administration		Outlays	50,753
Rental payments and building operations		World Agricultural Outlook Board	42,683
(05-05-0117-352) Budget Authority	72,455	World agricultural outlook board	
Outlays	67,818	(05-50-2100-352) Budget Authority	
National Commission on Agriculture and Rural Development		Outlays	1,825
(05-05-0118-352) Budget Authority	1,367	Foreign Agricultural Service	1,391
Outlays	894	Foreign Agricultural Service	
Departmental administration		(05-51-2900-352) Budget Authority	
(05-05-0120-352) Budget Authority	28,466	Outlays	96,278
Outlays	25,278	Office of International Cooperation & Development	
Hazardous Waste Management		Scientific activities overseas	
(05-05-0500-304) Budget Authority	2,076	(05-53-1404-352) Budget Authority	
Outlays	1,038	Outlays	1,559
Working capital fund		Salaries and expenses	780
(05-05-4609-352) Budget Authority	5,931	(05-53-3200-352) Budget Authority	
Outlays	5,854	Outlays	5,550
Office of Governmental and Public Affairs		Foreign Assistance Programs	4,557
Office of Governmental and Public Affairs		Expenses, PL 480, foreign assistance programs, Agriculture	
(05-06-0130-352) Budget Authority	9,143	(05-57-2274-151) Budget Authority	1,154,516
Outlays	7,223	Obligation limitation	1,538,316
Office of the Inspector General		Direct Loan Limitation	777,773
Office of the Inspector General		Outlays	1,399,868
(05-08-0900-352) Budget Authority	51,398	Agricultural Stabilization & Conservation Service	
Outlays	43,997	Salaries and expenses	
Office of the General Counsel		(05-60-3300-351) 401(C) Authority--Off. Coll.	24,547
Office of the General Counsel		Outlays	24,547
(05-10-2300-352) Budget Authority	19,796	Dairy indemnity program	
Outlays	19,618	(05-60-3314-351) Budget Authority	
Agricultural Research Service		Outlays	99
Agricultural Research Service		Agricultural conservation program	493
(05-18-1400-352) Budget Authority	567,854	(05-60-3315-302) Budget Authority	183,835
401(C) Authority--Off. Coll.	3,350	Outlays	84,380
Outlays	457,062	Emergency conservation program	
Buildings and facilities		(05-60-3316-453) Budget Authority	
(05-18-1401-352) Budget Authority	60,017	Outlays	1,039
Outlays	11,584	Colorado river basin salinity control program	468
Cooperative State Research Service		(05-60-3318-304) Budget Authority	
Cooperative State Research Service		Outlays	5,095
(05-24-1500-352) Budget Authority	315,624	Conservation reserve program	1,681
401(C) Authority	2,850	(05-60-3319-302) Budget Authority	
Outlays	206,207	Outlays	1,127,019
Extension Service		Water Bank program	901,615
Extension Service		(05-60-3320-302) Budget Authority	
(05-27-0502-352) Budget Authority	372,097	Outlays	8,697
401(C) Authority--Off. Coll.	495	Forestry incentives program	1,131
Outlays	293,710	(05-60-3336-302) Budget Authority	
National Agricultural Library		Outlays	12,355
National Agricultural Library		Federal Crop Insurance Corporation	3,583
(05-30-0300-352) Budget Authority	12,797	Administrative and operating expenses	
Outlays	9,278	(05-63-2707-351) Budget Authority	
National Agricultural Statistics Service		Outlays	211,348
Salaries and expenses		Commodity Credit Corporation	121,710
(05-33-1801-352) Budget Authority	64,271	Temp. stor. & distr. of CCC emncy. food	
401(C) Authority--Off. Coll.	1,007	(05-66-3635-351) Budget Authority	51,900
		Outlays	35,500

A-9

A-8

Account Title (05-75-4141-371)	Sequesterable Base	Account Title (05-75-4141-371)	Sequesterable Base
Commodity Credit Corporation Fund		Budget Authority	19,877
(05-66-4336-351) 401(C) Authority	10,421,674	401(C) Authority--Off. Coll.	53,500
Direct Loan Limitation	13,500,000	Obligation limitation	285,771
Guaranteed Loan Limitation	5,500,000	Direct Loan Limitation	1,915,100
Outlays	10,421,674	Outlays	1,035,795
Rural Electrification Administration		Rural Development Insurance Fund (Appr.)	442,271
Salaries and expenses		(05-75-4155-452) Direct Loan Limitation	299,337
(05-72-3100-271) Budget Authority	32,400	Guaranteed Loan Limitation	15,687
Outlays	29,211	Outlays	
Reimbursement to the Rural elec. & tel. revolv. fund for int	340,127	Self-help housing land development fund	519
(05-72-3101-271) Budget Authority	340,127	(05-75-4222-371) Direct Loan Limitation	
Outlays	340,127	Rural development loan fund	
Purchase of Rural Telephone Bank capital stock		(05-75-4233-452) Direct Loan Limitation	14,532
(05-72-3102-452) Budget Authority	29,801	Outlays	1,453
Outlays	29,801	Soil Conservation Service	
Rural electrification and telephone revolving fund		Conservation operations	
(05-72-4230-271) Direct Loan Limitation	1,291,376	(05-78-1000-302) Budget Authority	467,890
Direct Loan Floor	894,029	401(C) Authority--Off. Coll.	8,681
Guaranteed Loan Limitation	2,180,438	Outlays	440,470
Guaranteed Loan Floor	968,532	Resource conservation and development	
Outlays	-163,347	(05-78-1010-302) Budget Authority	26,383
Rural telephone bank		401(C) Authority--Off. Coll.	1,920
(05-72-4231-452) Direct Loan Limitation	218,541	Outlays	17,697
Direct Loan Floor	183,773	Watershed and flood prevention operations	
Outlays	11,026	(05-78-1068-301) Budget Authority	205,626
Farmers Home Administration		401(C) Authority--Off. Coll.	19,194
Salaries and expenses		Outlays	162,501
(05-75-2001-452) Budget Authority	431,912	Great plains conservation program	
Outlays	397,359	(05-78-2268-302) Budget Authority	21,408
Rural housing for domestic farm labor		Outlays	9,698
(05-75-2004-604) Budget Authority	9,874	Miscellaneous contributed funds (water resources)	
Outlays	395	(05-78-8210-301) Outlays	419
Mutual and self-help housing		Miscellaneous contributed funds (Conservation and land mgmt.	91
(05-75-2006-604) Budget Authority	8,304	(05-78-8210-302) Outlays	
Outlays	664	Animal and Plant Health Inspection Service	
Very low income housing repair grants		Salaries and expenses	
(05-75-2064-604) Budget Authority	12,975	(05-79-1600-352) Budget Authority	348,431
Outlays	12,326	401(C) Authority--Off. Coll.	14,472
Rural development grant program		Outlays	312,729
(05-75-2065-452) Budget Authority	6,747	Buildings and facilities	
Outlays	4,494	(05-79-1601-352) Budget Authority	2,331
Rural water and waste disposal grants		Federal Grain Inspection Service	
(05-75-2066-452) Budget Authority	113,552	Salaries and expenses	
Outlays	2,271	(05-80-2400-352) Budget Authority	7,380
Rural community fire protection grants		Outlays	6,162
(05-75-2067-452) Budget Authority	3,208	Inspection and weighing services	
Outlays	1,444	(05-80-4050-352) 401(C) Authority--Off. Coll.	36,856
Rural housing preservation grants		Outlays	36,856
(05-75-2070-604) Budget Authority	19,867	Agricultural Marketing Service	
Outlays	1,192	Marketing services	
Compensation for construction defects		(05-81-2500-352) Budget Authority	34,134
(05-75-2071-371) Budget Authority	740	401(C) Authority--Off. Coll.	32,179
Outlays	740	Outlays	49,485
Agricultural Credit Insurance Fund		Payments to States and possessions	
(05-75-4140-351) 401(C) Authority--Off. Coll.	89,930	(05-81-2501-352) Budget Authority	978
Direct Loan Limitation	1,686,912	Outlays	26
Guaranteed Loan Limitation	3,449,134	Perishable Agricultural Commodities Act fund	
Outlays	1,688,732	(05-81-5070-352) 401(C) Authority	5,329
Rural Housing Insurance Fund (Appr.)		Outlays	4,842
A-10		A-11	

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Funds for strengthening markets, income, and supply (section 405-81-5209-605) 401(C) Authority	405,873	Budget Authority	79,911
Outlays	196,835	Outlays	58,894
Milk market orders assessment fund (05-81-8412-351) 401(C) Authority--Off. Coll.	36,865	National forest system (05-96-1106-302) Budget Authority	1,307,301
Outlays	36,865	Outlays	1,150,909
Miscellaneous trust funds (05-81-9972-352) 401(C) Authority	85,979	Land acquisition (05-96-5004-303) Budget Authority	51,048
Outlays	72,205	Outlays	20,419
Office of Transportation (05-82-2800-352) Budget Authority	2,530	Range betterment fund (05-96-5207-302) Budget Authority	4,430
Outlays	2,070	Outlays	3,544
Food Safety and Inspection Service Salaries and expenses (05-83-3700-554) Budget Authority	413,324	Acquisition of lands for nat'l forests (05-96-5208-302) Budget Authority	1,007
401(C) Authority--Off. Coll.	46,384	Outlays	849
Outlays	430,775	Acq. of lands to complete land exchanges (05-96-5216-302) Budget Authority	1,029
Exp. & refunds, insp. & grading (05-83-8137-352) 401(C) Authority	825	Outlays	914
Outlays	575	Operations and maintenance of quarters (05-96-5219-302) Obligation limitation	5,869
Food and Nutrition Service Food donations program (05-84-3503-605) Budget Authority	201,484	Outlays	4,713
Outlays	163,202	Cooperative work trust fund (05-96-8028-302) Obligation limitation	267,748
Food stamp program (05-84-3505-605) Budget Authority	58,891	Outlays	225,975
Outlays	23,556	Gifts, donations, bequests for forest and rangeland research (05-96-8034-302) Budget Authority	94
Food program administration (05-84-3508-605) Budget Authority	90,478	Outlays	94
Outlays	83,240	Reforestation trust fund (05-96-8046-302) Obligation limitation	30,000
Special supplemental food prog. for women, infants and child (05-84-3510-605) Budget Authority	3,000	Outlays	24,000
Outlays	3,000	Other appropriations (05-96-9911-302) Budget Authority	85,857
Child nutrition programs (05-84-3539-605) Budget Authority	3,033	Outlays	66,151
Outlays	3,033	Forest Service permanent appropriations (05-96-9921-806) Obligation limitation	341,529
Human Nutrition Information Service Salaries and Expenses (05-86-3501-352) Budget Authority	9,029	Outlays	304,309
Outlays	3,891	Forest Service permanent appropriations (05-96-9922-302) Obligation limitation	91,733
Packers and Stockyards Administration (05-90-2600-352) Budget Authority	9,815	Outlays	79,243
Outlays	8,814	Department of Agriculture Budget Authority	9,339,052
Agricultural Cooperative Service Salaries and expenses (05-92-3000-352) Budget Authority	4,854	401(C) Authority	10,922,530
Outlays	3,514	401(C) Authority--Off. Coll.	371,623
Forest Service Construction (05-96-1103-302) Budget Authority	224,225	Obligation limitation	2,560,966
401(C) Authority--Off. Coll.	1,505	Direct Loan Limitation	19,847,024
Outlays	132,229	Direct Loan Floor	1,077,802
Forest research (05-96-1104-302) Budget Authority	142,584	Guaranteed Loan Limitation	11,428,909
401(C) Authority--Off. Coll.	738	Guaranteed Loan Floor	966,532
Outlays	108,104	Outlays	21,969,985
State and private forestry		Department of Commerce General Administration	
		Salaries and expenses (06-05-0120-376) Budget Authority	41,198
		Outlays	39,468
		Grants and loans administration (06-05-0125-452) Budget Authority	26,011
		Outlays	22,838
		Economic development assistance programs (06-05-2050-452) Budget Authority	188,945
		Guaranteed Loan Limitation	194,625
			A-13

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Bureau of the Census	Outlays	Patent and Trademark Office	Salaries and expenses
Salaries and expenses	99,921	(06-51-1006-376)	Budget Authority
(06-07-0401-376)	8,000	401(C) Authority--Off. Coll.	125,846
Outlays	96,930	Outlays	160,476
Periodic censuses and programs	363,722	National Bureau of Standards	229,691
(06-07-0450-376)	278,975	Scientific and technical research and services	
Budget Authority		(06-52-0500-376)	Budget Authority
Outlays		Budget Authority	147,727
Economic and Statistical Analysis		Outlays	114,045
Salaries and expenses		Working capital fund	
(06-08-1500-376)	33,765	(06-52-4650-376)	Budget Authority
Budget Authority	395	Outlays	4,147
401(C) Authority--Off. Coll.	30,446	National Telecommunications and Information Admin.	2,074
Outlays		Salaries and expenses	
Information products and services	42,140	(06-60-0550-376)	Budget Authority
Obligation limitation	28,718	Outlays	14,533
Outlays		Public telecommunications facilities, planning and construct	11,629
Internationals Trade Administration		(06-60-0551-503)	Budget Authority
Operations and administration		Outlays	22,115
(06-25-1250-376)	169,429	Department of Commerce	2,565
Budget Authority	10,319	Total	2,566,956
401(C) Authority--Off. Coll.	129,766	Budget Authority	206,748
Outlays		401(C) Authority--Off. Coll.	42,140
Export Administration		Obligation limitation	279,625
Operations and administration		Guaranteed Loan Limitation	1,934,380
(06-30-0300-376)	38,889	Outlays	
Budget Authority	27,417	Department of Defense--Military	
Outlays		Operation and Maintenance	
Minority Business Development Agency		(07-10-0100-051)	Budget Authority
Minority business development	41,411	Outlays	7,459,287
(06-40-0201-376)	13,003	Court of Military Appeals, Defense	6,209,851
Budget Authority		(07-10-0104-051)	Budget Authority
Outlays		Outlays	3,410
United States Travel and Tourism Administration		Foreign currency fluctuations, Defense	2,831
Salaries and expenses	12,259	(07-10-0801-051)	Unobligated Balances--Defense
(06-44-0700-376)	2,500	Environmental restoration, Defense	281,905
Budget Authority	11,866	(07-10-0810-051)	Budget Authority
401(C) Authority--Off. Coll.		Outlays	10,380
Outlays		Humanitarian Assistance	6,228
National Oceanic and Atmospheric Administration		(07-10-0819-051)	Budget Authority
Operations, research, and facilities	1,202,187	Outlays	10,380
(06-48-1450-306)	14,778	Operation and maintenance, Marine Corps	7,526
Budget Authority	832,265	(07-10-1106-051)	Budget Authority
401(C) Authority--Off. Coll.		Outlays	1,900,925
Outlays		Operation and maintenance, Marine Corps Reserve	1,311,638
Coastal energy impact fund		(07-10-1107-051)	Budget Authority
(06-48-4315-452)	7,280	Outlays	72,311
Outlays	7,280	National Board for the Promotion of Rifle Practice, Army	50,183
Federal ship financing fund, fishing vessels		(07-10-1705-051)	Budget Authority
(06-48-4417-376)	3,000	Outlays	4,276
401(C) Authority--Off. Coll.	85,000	Operation and maintenance, Navy	3,078
Guaranteed Loan Limitation	3,000	(07-10-1804-051)	Budget Authority
Outlays		Outlays	24,774,743
Fishermen's contingency fund		Operation and maintenance, Navy Reserve	16,413,268
(06-48-5120-376)	747	(07-10-1806-051)	Budget Authority
Budget Authority	710	Outlays	966,885
Outlays		Operation and maintenance, Army	582,549
Foreign fishing observer fund		(07-10-2020-051)	Budget Authority
(06-48-5122-376)	2,010	Outlays	22,014,233
Budget Authority	1,932	Outlays	16,290,533
Fisheries Promotional Fund			
(06-48-5124-376)	2,725		
Budget Authority	1,501		
Outlays			
Aviation weather services program			
(06-48-8105-306)	29,366		
Budget Authority	29,366		
Outlays			

A-15

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Operation and maintenance, Army National Guard (07-10-2065-051) Budget Authority	1,943,520	(07-15-2032-051) Budget Authority	2,420,862
Outlays	1,452,781	Unobligated Balances--Defense	624,671
Operation and maintenance, Army Reserve (07-10-2080-051) Budget Authority	897,145	Outlays	231,461
Outlays	645,944	Procurement of weapons and tracked combat vehicles, Army (07-15-2033-051) Budget Authority	3,329,060
Operation and maintenance, Air Force (07-10-3400-051) Budget Authority	20,670,990	Unobligated Balances--Defense	1,058,842
Outlays	15,596,261	Outlays	193,068
Operation and maintenance, Air Force Reserve (07-10-3740-051) Budget Authority	1,048,153	Procurement of ammunition, Army (07-15-2034-051) Budget Authority	2,359,988
Outlays	807,078	Unobligated Balances--Defense	179,121
Operation and maintenance, Air National Guard (07-10-3840-051) Budget Authority	2,050,144	Outlays	863,297
Outlays	1,650,366	Other procurement, Army (07-15-2035-051) Budget Authority	5,291,949
Procurement, Defense agencies (07-15-0300-051) Budget Authority	1,314,381	Unobligated Balances--Defense	1,704,258
Outlays	431,333	Outlays	559,697
National Guard and Reserve Equipment (07-15-0350-051) Budget Authority	1,245,600	Aircraft procurement, Air Force (07-15-3010-051) Budget Authority	13,450,652
Unobligated Balances--Defense	463,723	Unobligated Balances--Defense	6,102,810
Outlays	51,280	Outlays	1,808,695
Defense Production Act purchases (07-15-0360-051) Budget Authority	13,494	Missile procurement, Air Force (07-15-3020-051) Budget Authority	7,570,415
Unobligated Balances--Defense	18,200	Unobligated Balances--Defense	3,035,208
Coastal defense augmentation (07-15-0380-051) Budget Authority	20,760	Outlays	2,688,525
Unobligated Balances--Defense	4,000	Other procurement, Air Force (07-15-3080-051) Budget Authority	8,315,238
Chemical agents and munitions destruction, Defense (07-15-0390-051) Budget Authority	206,043	Unobligated Balances--Defense	2,452,839
Unobligated Balances--Defense	31,751	Outlays	5,129,912
Outlays	104,605	Research, Development, Test, and Evaluation (07-20-0400-051) Budget Authority	7,852,192
Procurement, Marine Corps (07-15-1109-051) Budget Authority	1,344,832	Unobligated Balances--Defense	589,149
Unobligated Balances--Defense	304,981	Outlays	4,431,703
Outlays	321,713	Developmental test and evaluation, Defense (07-20-0450-051) Budget Authority	189,036
Aircraft procurement, Navy (07-15-1506-051) Budget Authority	9,884,146	Unobligated Balances--Defense	32,192
Unobligated Balances--Defense	2,174,692	Outlays	57,519
Outlays	1,477,208	Operational test and evaluation, Defense (07-20-0460-051) Budget Authority	72,889
Weapons procurement, Navy (07-15-1507-051) Budget Authority	6,190,652	Unobligated Balances--Defense	14,044
Unobligated Balances--Defense	1,765,556	Outlays	33,826
Outlays	716,059	Research, development, test, and evaluation, Navy (07-20-1319-051) Budget Authority	9,856,364
Shipbuilding and conversion, Navy (07-15-1611-051) Budget Authority	16,769,258	Unobligated Balances--Defense	485,396
Unobligated Balances--Defense	9,736,176	Outlays	5,315,665
Outlays	1,160,939	Research, development, test, and evaluation, Army (07-20-2040-051) Budget Authority	4,883,209
Other procurement, Navy (07-15-1810-051) Budget Authority	5,058,653	Unobligated Balances--Defense	333,913
Unobligated Balances--Defense	1,909,045	Outlays	2,608,561
Outlays	714,189	Research, development, test, and evaluation, Air Force (07-20-3600-051) Budget Authority	15,584,044
Aircraft procurement, Army (07-15-2031-051) Budget Authority	2,821,705	Unobligated Balances--Defense	1,739,669
Unobligated Balances--Defense	547,687	Outlays	8,176,793
Outlays	606,491	Military Construction	
Missile procurement, Army		Military construction, Defense agencies (07-25-0500-051) Budget Authority	574,415
		Unobligated Balances--Defense	264,985
		Outlays	151,092
		North Atlantic Treaty Organization infrastructure (07-25-0804-051) Budget Authority	400,668
			A-17

Account Title	Unobligated Balances--Defense	Sequesterable Base	Account Title	Outlays	Sequesterable Base
Military construction, Navy (07-25-1205-051)	Budget Authority	183,839	Air Force stock fund (07-40-4921-051)	Budget Authority	112,833
Unobligated Balances--Defense			Outlays		234,595
Military construction, Naval Reserve (07-25-1235-051)	Budget Authority	1,477,521	Defense stock fund (07-40-4961-051)	Budget Authority	77,416
Unobligated Balances--Defense			Outlays		137,639
Military construction, Army (07-25-2050-051)	Budget Authority	76,539	Army stock fund (07-40-4991-051)	Budget Authority	45,421
Unobligated Balances--Defense			Outlays		200,549
Military construction, Air Force (07-25-3000-051)	Budget Authority	1,307,884	Department of Defense--Military		66,181
Unobligated Balances--Defense			Budget Authority		219,790,344
Military construction, Army National Guard (07-25-2085-051)	Budget Authority	431,691	Unobligated Balances--Defense		39,210,977
Unobligated Balances--Defense			Outlays		102,401,120
Military construction, Army Reserve (07-25-2086-051)	Budget Authority	469,686	Department of Defense--Civil		
Unobligated Balances--Defense			Cemetery Expenses, Army		
Military construction, Air Force (07-25-3000-051)	Budget Authority	191,412	Salaries and expenses (08-05-1805-705)	Budget Authority	8,553
Unobligated Balances--Defense			Outlays		6,381
Military construction, Air Force Reserve (07-25-3730-051)	Budget Authority	98,714	Corps of Engineers--Civil		
Unobligated Balances--Defense			Flood control, Mississippi River and tributaries (08-10-3112-301)	Budget Authority	337,980
Military construction, Air National Guard (07-25-3830-051)	Budget Authority	1,259,420	401(C) Authority--Off. Coll.		250
Unobligated Balances--Defense			Outlays		277,394
Family Housing			General investigations (08-10-3121-301)	Budget Authority	142,405
Family housing, Army (07-30-0702-051)	Budget Authority	82,313	Outlays		98,829
Unobligated Balances--Defense			Construction, general (08-10-3122-301)	Budget Authority	1,107,268
Family housing, Navy and Marine Corps (07-30-0703-051)	Budget Authority	30,439	401(C) Authority--Off. Coll.		742,029
Unobligated Balances--Defense			Outlays		1,184,714
Family housing, Air Force (07-30-0704-051)	Budget Authority	11,839	Operation and maintenance, general (08-10-3123-301)	Budget Authority	4,565
Unobligated Balances--Defense			401(C) Authority--Off. Coll.		987,878
Family housing, Defense agencies (07-30-0706-051)	Budget Authority	157,121	Outlays		15,000
Unobligated Balances--Defense			General expenses (08-10-3124-301)	Budget Authority	11,700
Revolving and Management Funds			Outlays		120,000
ADP equipment management fund (07-40-3910-051)	Budget Authority	1,671,824	Flood control and coastal emergencies (08-10-3125-301)	Budget Authority	96,000
Unobligated Balances--Defense			General regulatory functions (08-10-3126-301)	Budget Authority	20,000
National Defense Stockpile transaction fund (07-40-4550-051)	Budget Authority	105,341	Outlays		60,427
Unobligated Balances--Defense			Inland waterways trust fund (08-10-8861-301)	Budget Authority	50,154
Navy stock fund (07-40-4911-051)	Budget Authority	798,853	Outlays		77,467
Budget Authority			Rivers and harbors contributed funds (08-10-8862-301)	Outlays	51,887
			Harbor maintenance trust fund (08-10-8863-301)	Budget Authority	157,419
			Outlays		171,000
			Permanent appropriations (Water Resources) (08-10-9921-301)	Obligation limitation	141,930
			Outlays		3,000
			Permanent appropriations		48
			(08-10-9921-806) Obligation limitation		6,000
			A-19		

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Soldiers' and Airmen's Home Operation and maintenance (08-20-8931-705) Budget Authority 401(C) Authority--Off. Coll. Outlays	37,769 144 33,192	401(C) Authority Outlays	7,148 126,110
Capital outlay (08-20-8932-705) Budget Authority Outlays	16,032 321	Office of Postsecondary Education Student financial assistance (18-40-0200-502) Budget Authority Outlays	5,755,494 1,071,247
Forest & Wildlife Conservation, Mill. Reservations Wildlife conservation (08-30-5095-303) 401(C) Authority Outlays	2,050 1,800	Higher education (18-40-0201-502) Budget Authority Outlays	554,781 82,463
Forest products program (08-30-5285-302) 401(C) Authority Outlays	2,000 2,000	College construction loan insurance (18-40-0210-502) Budget Authority Outlays	19,876 19,876
Department of Defense--Civil Total	3,298,615 4,050 5,119 9,000 2,658,962	Guaranteed student loans (18-40-0230-502) Budget Authority--Spec. Rules Outlays	46,677 37,342
Department of Education Office of Elementary and Secondary Education Indian education (18-10-0101-501) Budget Authority Outlays	68,888 10,101	College housing and academic facilities loans (18-40-0242-502) Budget Authority Outlays	64,596 1,675
Impact aid (18-10-0102-501) Budget Authority Outlays	735,398 585,854	Howard University (18-40-0603-502) Budget Authority Outlays	178,747 171,255
Compensatory education for the disadvantaged (18-10-0900-501) Budget Authority Outlays	4,501,332 540,160	College housing loans (18-40-4250-502) 401(C) Authority--Off. Coll. Outlays	753 678
School improvement programs (18-10-1000-501) Budget Authority Outlays	1,079,844 129,581	Office of Educational Research and Improvement Libraries (18-50-0104-503) Budget Authority Outlays	140,222 49,287
Off. of Bilingual Ed. & Minority Languages Affairs Immigrant and refugee education (18-15-1300-501) Budget Authority Outlays	199,038 23,885	Education research and statistics (18-50-1100-503) Budget Authority Outlays	70,092 30,140
Office of Special Education & Rehabilitative Svcs. Education for the handicapped (18-20-0300-501) Budget Authority Outlays	1,940,042 239,830	Departmental Management Office for Civil Rights (18-80-0700-751) Budget Authority Outlays	61,269 50,853
Vocational rehabilitation (18-20-0301-506) Budget Authority Budget Authority--ASI Outlays	218,914 62,078 216,364	Salaries and expenses (Research and general education aids) (18-80-0800-503) Budget Authority Outlays	253,215 210,168
Special institutions for the handicapped (APHB) (18-20-0604-501) Budget Authority Outlays	5,466 5,466	Department of Education Total	16,988,334 62,078 46,677 7,158 753 3,695,600
Special institutions for the handicapped (Gallaudet) (18-20-0604-502) Budget Authority Outlays	97,353 93,260	Department of Energy Atomic Energy Defense Activities Atomic energy defense activities (19-10-0220-053) Budget Authority Unobligated Balances--Defense Outlays	8,100,000 47,617 5,051,523
Promotion of education for the blind (18-20-8893-501) 401(C) Authority Outlays	10 5	Energy Programs Geothermal resources development fund (19-20-0206-271) Budget Authority Outlays	75 75
Office of Vocational and Adult Education Vocational and adult education (18-30-0400-501) Budget Authority A-20	1,043,767	Federal Energy Regulatory Commission (19-20-0212-276) Budget Authority Outlays	108,760 92,446
		Fossil energy research and development A-21	

Account Title (19-20-0213-271)	Budget Authority Outlays	Sequesterable Base 339,400 135,760
Energy conservation (Energy conservation)		
(19-20-0215-272) Budget Authority	379,960	
Outlays	75,992	
Energy information administration		
(19-20-0216-276) Budget Authority	63,337	
Outlays	41,170	
Economic regulation		
(19-20-0217-276) Budget Authority	22,648	
Outlays	14,268	
Strategic petroleum reserve		
(19-20-0218-274) Budget Authority	170,849	
Outlays	93,967	
Naval petroleum and shale reserves		
(19-20-0219-271) Budget Authority	165,643	
Outlays	91,103	
General science and research activities		
(19-20-0222-251) Budget Authority	922,116	
Outlays	700,808	
Energy supply, R&D activities		
(19-20-0224-271) Budget Authority	2,142,326	
Outlays	1,071,163	
Uranium supply and enrichment activities		
(19-20-0226-271) Budget Authority	1,133,080	
Outlays	985,780	
SPR petroleum		
(19-20-0233-274) Budget Authority	456,294	
Outlays	319,406	
Emergency preparedness		
(19-20-0234-274) Budget Authority	6,503	
Outlays	5,202	
Clean Coal Technology		
(19-20-0235-271) 401(C) Authority	525,000	
Outlays	52,500	
Nuclear waste disposal fund		
(19-20-5227-271) Budget Authority	369,832	
Outlays	184,916	
Power Marketing Administration		
Operation and maintenance, Southeastern Power Administration		
(19-50-0302-271) Budget Authority	1,165	
Outlays	1,025	
Operation and maintenance, Southwestern Power Administration		
(19-50-0303-271) Budget Authority	5,210	
Outlays	4,585	
Operation and maintenance, Alaska Power Administration		
(19-50-0304-271) Budget Authority	765	
Outlays	673	
Bonneville Power Administration fund		
(19-50-4045-271) 401(C) Authority--Off. Coll.	50,000	
Outlays	97,500	
Colorado river basins power marketing fund, WAPA		
(19-50-4452-271) 401(C) Authority--Off. Coll.	7,668	
Outlays	7,668	
Construction, rehabilitation, operation and maintenance, WAP		
(19-50-5068-271) Budget Authority	37,151	
Outlays	32,693	
Departmental Administration		
Departmental administration (Energy information, policy, & r		
		A-22
Account Title (19-60-0228-276)	Budget Authority Outlays	Sequesterable Base 403,665 242,199
Department of Energy		
Total		
Budget Authority	14,828,779	
401(C) Authority	525,000	
401(C) Authority--Off. Coll.	57,668	
Unobligated Balances--Defense	47,617	
Outlays	9,302,422	
Department of Health and Human Services		
Food and Drug Administration		
Program expenses		
(09-10-0600-554) Budget Authority	505,883	
Outlays	440,118	
Buildings and facilities		
(09-10-0603-554) Budget Authority	1,505	
Outlays	978	
Revolving fund for certification and other services		
(09-10-4309-554) 401(C) Authority--Off. Coll.	3,187	
Outlays	3,187	
Health Resources and Services		
Health resources and services (health care services)		
(09-15-0350-551) Budget Authority	937,037	
Budget Authority--Spec. Rules	9,270	
401(C) Authority--Off. Coll.	375	
Direct Loan Limitation	993	
Outlays	566,135	
Health resources and services (education and training)		
(09-15-0350-553) Budget Authority	216,831	
Outlays	65,049	
Indian Health		
Tribal and Federal Health Services		
(09-17-0390-551) Budget Authority	72,032	
Budget Authority--Spec. Rules	18,277	
401(C) Authority--Spec. Rules	774	
Outlays	76,243	
Indian health facilities 2% split (G-R-H)		
(09-17-0391-551) Budget Authority--Spec. Rules	1,298	
Outlays	325	
Centers for Disease Control		
Disease control (Health care services)		
(09-20-0943-551) Budget Authority	731,522	
401(C) Authority--Off. Coll.	1,005	
Outlays	447,233	
Disease control (Health research)		
(09-20-0943-552) Budget Authority	72,587	
Outlays	52,988	
National Institutes of Health		
National Library of Medicine (Health research)		
(09-25-0807-552) Budget Authority	22,893	
Outlays	14,651	
National Library of Medicine (Education and training)		
(09-25-0807-553) Budget Authority	48,024	
Outlays	30,735	
John E. Fogarty International Center		
(09-25-0819-552) Budget Authority	16,301	
Outlays	9,292	
Buildings and facilities		
(09-25-0838-552) Budget Authority	49,689	
Outlays	13,913	
		A-23

Account Title	Sequesterable Base	Account Title	Sequesterable Base
National Institute on Aging (Health research)	193,706	(09-25-0884-553) Budget Authority	22,611
(09-25-0843-552) Budget Authority	63,923	Outlays	4,522
National Institute on Aging (Education and training)	8,762	National Institute of Allergy & Infectious Diseases (Research)	650,245
(09-25-0843-553) Budget Authority	4,118	(09-25-0885-552) Budget Authority	221,083
Outlays	8,762	Outlays	13,548
Nat. Inst. Child Health and Human Development (Health research)	396,141	National Institute of Allergy & Infectious Diseases (Ed. & trn)	1,897
(09-25-0844-552) Budget Authority	134,688	(09-25-0885-553) Budget Authority	540,517
Outlays	16,209	National Institute of Neurological & Communicative Disorders	12
Nat. Inst. Child Health and Human Development (Ed. & training)	1,621	(09-25-0886-552) Budget Authority	183,788
(09-25-0844-553) Budget Authority	59,086	401(C) Authority--Off. Coll.	15,165
Outlays	28,952	Outlays	4,398
Office of the Director (Health research)	5,518	National Institute of Neurological & Communicative Disorders	227,580
(09-25-0846-552) Budget Authority	5,242	(09-25-0886-553) Budget Authority	75,102
Outlays	380,769	Outlays	6,113
Office of the Director (Education and training)	178,961	National Ins. of Arthritis and Musculoskeletal and Skin Disease	1,528
(09-25-0846-553) Budget Authority	2,331	(09-25-0888-552) Budget Authority	147,233
Outlays	117	Outlays	47,114
Research resources (Health research)	1,492,854	National Ins. of Arthritis and Musculoskeletal and Skin Disease	6,153
(09-25-0848-552) Budget Authority	10	(09-25-0888-553) Budget Authority	1,231
Outlays	627,009	Outlays	21,290
National Cancer Institute (Education and training)	34,344	National Center for Nursing Research	1,703
(09-25-0849-553) Budget Authority	687	(09-25-0889-552) Budget Authority	3,009
Outlays	586,718	Outlays	1,352
National Institute of General Medical Sciences (Health research)	222,953	Alcohol, Drug Abuse, & Mental Health Administration	69,153
(09-25-0851-552) Budget Authority	70,130	Federal subsidy for St. Elizabeths Hospital	69,153
Outlays	7,714	(09-30-1300-551) Budget Authority	772,327
National Institute of General Medical Sciences (Ed. & training)	214,766	Outlays	509,736
(09-25-0851-553) Budget Authority	122,417	Alcohol, drug abuse, and mental health (Health research)	612,791
Outlays	9,642	(09-30-1361-552) Budget Authority	545,384
National Institute of Environmental Health Sciences (Research)	2,314	Outlays	42,236
(09-25-0862-552) Budget Authority	959,938	Alcohol, drug abuse, and mental health (Education and training)	33,366
Outlays	364,777	(09-30-1361-553) Budget Authority	
National Institute of Environmental Health Sciences (Ed. & trn)	43,031	Outlays	
(09-25-0862-553) Budget Authority	1,721	Office of Assistant Secretary for Health	
Outlays	125,653	Public health service management (Health care services)	40,728
National Heart, Lung and Blood Institute (Health research)	60,314	(09-37-1101-551) Budget Authority	24,055
(09-25-0872-552) Budget Authority	5,742	401(C) Authority--Off. Coll.	70,982
Outlays	3,158	Outlays	48,268
National Heart, Lung and Blood Institute (Education and training)	533,034	Public health service management (Health research)	
(09-25-0872-553) Budget Authority	170,571	(09-37-1101-552) Budget Authority	
Outlays		Outlays	
National Institute of Dental Research (Health research)		Health Care Financing Administration	
(09-25-0873-552) Budget Authority		Program management (Health care services)	93,118
Outlays		(09-38-0511-551) Budget Authority	84,407
National Institute of Dental Research (Education and training)		Outlays	
(09-25-0873-553) Budget Authority		Program management (Health research)	
Outlays			A-25
National Instl. of Diabetes, and Digestive and Kidney Diseases			
(09-25-0884-552) Budget Authority			
Outlays			
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National Instl. of Diabetes, and Digestive and Kidney Diseases			
(09-25-0884-600) Budget Authority			
Outlays			

Account Title	Sequesterable Base	Account Title	Sequesterable Base
(09-38-0511-552) Budget Authority	9,938	Office of the Inspector General	3,038
Outlays	7,950	(09-90-0128-609) Budget Authority	
Federal supplementary medical insurance trust fund		Outlays	37,631
(09-38-8004-571) Obligation limitation	1,248,650	Outlays	28,223
Obligation limitation	340,000	Office for Civil Rights	
Obligat. limit.--Spec. Rules	1,419,896	(09-90-0135-751) Budget Authority	
Outlays		Outlays	17,217
Federal hospital insurance trust fund		Outlays	15,840
(09-38-8005-571) Obligation limitation	1,161,379	Office of Consumer Affairs	
Obligation limitation	970,000	(09-90-0137-506) Budget Authority	
Obligat. limit.--Spec. Rules	1,951,607	Outlays	1,750
Outlays		Outlays	1,628
Catastrophic health and drug insurance fund		Department of Health and Human Services	
(09-38-8804-571) Obligation limitation	112,400	Budget Authority	21,082,913
Obligation limitation	9,630	Budget Authority--Spec. Rules	33,977
Obligat. limit.--Spec. Rules	122,030	401(C) Authority--Off. Coll.	4,614
Outlays		401(C) Authority--Spec. Rules	774
Social Security Administration		Obligation limitation	3,167,429
Supplemental security income program		Obligat. limit.--Spec. Rules	1,319,630
(09-60-0406-609) Budget Authority	837,050	Direct Loan Limitation	993
Outlays	837,050	Outlays	17,572,594
Special benefits for disabled coal miners		Health and Human Services - Social Security	
(09-60-0409-601) Budget Authority	6,822	Social Security	
Outlays	6,822	Federal old-age and survivors insurance trust fund	
Family Support Administration		(16-05-8006-651) Obligation limitation	1,283,058
Program administration		Outlays	1,067,888
(09-70-1500-609) Budget Authority	82,879	Federal disability insurance trust fund	
Outlays	68,790	(16-05-8007-651) Obligation limitation	432,972
Family support payment to States (CSE)		Outlays	372,896
(09-70-1501-609) Budget Authority	1,153,000	Health and Human Services - Social Security	
Outlays	1,153,000	Total	1,716,030
Low income home energy assistance		Obligation limitation	1,440,784
(09-70-1502-609) Budget Authority	1,590,050	Outlays	
Outlays	1,446,945	Department of Housing and Urban Development	
Refugee and Entrant Assistance		Housing Programs	
(09-70-1503-609) Budget Authority	360,116	Housing counseling assistance	
Outlays	230,475	(25-02-0156-506) Budget Authority	3,488
Community services block grant		Subsidized housing programs (Community development)	
(09-70-1504-506) Budget Authority	396,817	(25-02-0164-451) Budget Authority	209,676
Outlays	273,010	Outlays	20,760
Work incentives		Subsidized housing programs (Housing assistance)	
(09-70-1505-504) Budget Authority	96,068	(25-02-0164-604) Budget Authority	7,979,526
Outlays	90,304	Outlays	29,753
Interim assistance to States for legalization		Congregate services program	
(09-70-1508-506) Obligation limitation	645,000	(25-02-0178-604) Budget Authority	4,384
Outlays	206,400	Supportive housing demonstration program	
Human Development Services		(25-02-0189-604) Budget Authority	66,692
Social services block grant		Rental housing assistance fund	
(09-80-1634-506) Budget Authority	2,700,000	(25-02-4041-604) 401(C) Authority--Off. Coll.	50,000
Outlays	2,619,000	Outlays	50,000
Human development services		Nonprofit sponsor assistance	
(09-80-1636-506) Budget Authority	2,549,800	(25-02-4042-604) Direct Loan Limitation	996
Outlays	1,453,386	Federal Housing Administration fund	
Payments to State for foster care and adoption assistance		(25-02-4070-371) 401(C) Authority--Off. Coll.	541,682
(09-80-1645-506) Budget Authority--Spec. Rules	5,132	Obligation limitation	371,741
Outlays	3,683	Direct Loan Limitation	82,284
Departmental Management		Guaranteed Loan Limitation	99,648,000
General Departmental management		Outlays	938,423
(09-90-0120-609) Budget Authority	71,234	Housing for the elderly or handicapped fund	
Outlays	53,426	(25-02-4115-371) Budget Authority	3,967
Policy research		Direct Loan Limitation	587,275
(09-90-0122-609) Budget Authority	5,064	Outlays	3,907

A-27

A-26

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Interstate land sales (25-02-5270-376) 401(C) Authority Outlays	600	Guaranteed Loan Limitation Outlays	246,597,500
Manufactured home inspection and monitoring (25-02-5271-376) 401(C) Authority Outlays	600	Department of the Interior Bureau of Land Management	2,230,911
Public and Indian Housing Programs Payments for operation of low income housing projects (25-03-0163-604) Budget Authority Outlays	6,475 4,460	Management of lands and resources (10-04-1109-302) Budget Authority Outlays	523,922 457,384
Government National Mortgage Association Guarantees of mortgage-backed securities (25-04-4238-371) 401(C) Authority--Off. Coll. Guaranteed Loan Limitation Outlays	1,505,100 692,346	Construction and access (10-04-1110-302) Budget Authority Outlays	3,580 895
Community planning and development Community development grants (25-06-0162-451) Budget Authority Guaranteed Loan Limitation Outlays	48,877 146,800,000 48,877	Payments in lieu of taxes (10-04-1114-806) Budget Authority Outlays	108,990 108,990
Urban development action grants (25-06-0170-451) Budget Authority Urban homesteading (25-06-0171-451) Budget Authority Outlays	2,989,440 149,500 119,578	Oregon and California grant lands (10-04-1116-302) Budget Authority Outlays	61,359 45,406
Assistance for solar and conservation improvements (25-06-0179-272) Budget Authority Outlays	224,208	Special acquisition of lands and minerals (10-04-1117-302) 401(C) Authority Service charges, deposits, and forfeitures (10-04-5017-302) Budget Authority Outlays	1,300 7,543 5,340
Emergency shelter grants program (25-06-0181-604) Budget Authority Outlays	14,947 14,947	Land acquisition (10-04-5033-302) Budget Authority Outlays	9,233 4,580
Rehabilitation loan fund (25-06-4036-451) 401(C) Authority--Off. Coll. Direct Loan Limitation Outlays	1,765 35	Operation and maintenance of quarters (10-04-5048-302) 401(C) Authority Outlays	250 208
Policy Development and Research Research and technology (25-28-0108-451) Budget Authority Outlays	8,304 4,152	Range improvements (10-04-5132-302) Budget Authority Outlays	8,506 5,376
Fair Housing and Equal Opportunity (25-29-0144-751) Budget Authority Outlays	30,000 88,230 30,000	Miscellaneous permanent appropriations (10-04-9921-302) Obligation limitation Outlays	6,500 4,758
Management and Administration Salaries & expenses, incl. transfer of funds (Community dev. (25-35-0143-451) Budget Authority Outlays	17,139 5,142	Miscellaneous permanent appropriations (10-04-9921-806) Obligation limitation Minerals Management Service Leasing and royalty management (10-06-1917-302) Budget Authority Outlays	81,510 176,967 115,029
Salaries & expenses, incl. transfer of funds (Public assist. (25-35-0143-604) Budget Authority Outlays	4,982 1,993	Payments to states from receipts under Mineral Leasing Act (10-06-5003-806) Obligation limitation Outlays	427,629 427,629
Salaries & expenses, incl. transfer of funds (Federal law ac (25-35-0143-751) Budget Authority Outlays	184,081 150,946	Office of Surface Mining Reclamation & Enforcement Regulation and technology (10-08-1801-302) Budget Authority Outlays	108,216 63,090
Department of Housing and Urban Development Total	13,357,932	Abandoned mine reclamation fund (10-08-5015-302) Budget Authority Outlays	214,610 59,447
	7,075	Bureau of Reclamation Loan program (10-10-0667-301) Budget Authority Direct Loan Limitation Outlays	26,022 27,766 16,004
	670,559	Construction program (10-10-0684-301) Budget Authority 401(C) Authority--Off. Coll. Outlays	712,305 3,000 601,336
	371,741	Lower Colorado River basin development fund A-29	
	758,785		

Account Title	Sequesterable Base	Account Title	Sequesterable Base
(10-10-4079-301) 401(C) Authority--Off. Coll.	98,296	National wildlife refuge fund	251
Outlays	98,296	(10-18-5091-806) Budget Authority	5,860
Upper Colorado River basin fund		Obligation limitation	6,040
(10-10-4081-301) 401(C) Authority--Off. Coll.	30,150	Outlays	7,545
Outlays	30,150		
Working capital fund		Migratory bird conservation account	
(10-10-4524-301) Budget Authority	4,000	(10-18-5137-303) Budget Authority	1,042
Outlays	3,200	Obligation limitation	29,378
Emergency fund		Outlays	21,732
(10-10-5043-301) Budget Authority	1,000		
Outlays	605	Sport fish restoration	
General investigations		(10-18-8151-303) Obligation limitation	194,760
(10-10-5060-301) Budget Authority	14,250	Outlays	59,988
401(C) Authority--Off. Coll.	75		
Outlays	9,252	Contributed funds	
Operation and maintenance		(10-18-8216-303) Obligation limitation	140
(10-10-5064-301) Budget Authority	187,731	Outlays	140
401(C) Authority--Off. Coll.	8,313	Miscellaneous permanent appropriations	
Outlays	154,179	(10-18-9923-303) Obligation limitation	119,200
General administrative expenses		Outlays	31,690
(10-10-5065-301) Budget Authority	48,313		
Outlays	43,482	National Park Service	
Colorado River Dam Fund, Boulder Canyon Project		Operation of the national park system	
(10-10-5656-301) Obligation limitation	38,347	(10-24-1036-303) Budget Authority	766,944
Outlays	21,972	401(C) Authority--Off. Coll.	2,294
Reclamation trust funds		Outlays	577,502
(10-10-8070-301) Obligation limitation	61,101	John F. Kennedy Center for the Performing Arts	
Outlays	50,480	(10-24-1038-303) Budget Authority	5,125
Miscellaneous permanent appropriations		Outlays	3,844
(10-10-9922-806) Outlays	226	Construction	
Geological Survey		(10-24-1039-303) Budget Authority	125,215
Surveys, investigations and research		401(C) Authority--Off. Coll.	10,000
(10-12-0804-306) Budget Authority	470,409	Outlays	28,782
401(C) Authority	250		
Outlays	76,507	National recreation and preservation	
Operation and maintenance of quarters		(10-24-1042-303) Budget Authority	13,600
(10-12-5055-306) Obligation limitation	521,101	Outlays	12,240
Outlays	75	Illinois & Michigan Canal National Heritage-Corridor Commiss	260
Bureau of Mines	30	(10-24-1043-303) Budget Authority	130
Mines and minerals		Land acquisition	
(10-14-0959-306) Budget Authority	153,666	(10-24-5035-303) Budget Authority	33,123
Outlays	104,493	Outlays	22,093
Helium fund		Operations and maintenance of quarters	
(10-14-4053-306) 401(C) Authority--Off. Coll.	3,730	(10-24-5049-303) Obligation limitation	8,829
Outlays	3,730	Outlays	6,758
United States Fish and Wildlife Service		Historic preservation fund	
Resource management		(10-24-5140-303) Budget Authority	29,324
(10-18-1611-303) Budget Authority	359,676	Outlays	15,102
401(C) Authority--Off. Coll.	1,000	Miscellaneous permanent appropriations	
Outlays	288,741	(10-24-9924-303) Obligation limitation	1,069
Construction		Outlays	288
(10-18-1612-303) Budget Authority	26,046	Bureau of Indian Affairs	
Outlays	5,209	Operation of Indian programs (Conservation and land manage	
Land acquisition		(10-76-2100-302) Budget Authority	152,755
(10-18-5020-303) Budget Authority	53,772	Outlays	131,369
Outlays	24,198	Operation of Indian programs (Area and regional development)	
Operations and maintenance of quarters		(10-76-2100-452) Budget Authority	611,356
(10-18-5050-303) Obligation limitation	1,727	401(C) Authority--Off. Coll.	3,000
		Outlays	500,032
		Operation of Indian programs (Elementary, secondary, & vo. e	
		(10-76-2100-501) Budget Authority	249,942
		Outlays	203,703

A-31

A-30

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Construction (10-76-2301-452) Budget Authority Outlays	86,476 19,889	(11-03-0129-751) Budget Authority Outlays	92,728 83,084
Road construction (10-76-2364-452) Budget Authority 401(C) Authority--Off. Coll. Outlays	1,038 1,000 1,934	United States Parole Commission Salaries and expenses (11-04-1061-751) Budget Authority Outlays	12,266 10,549
Revolving fund for loans (10-76-4409-452) 401(C) Authority--Off. Coll. Direct Loan Limitation Outlays	12,210 13,494 12,210	Legal Activities Salaries and expenses, Foreign Claims Settlement Commission (11-05-0100-153) Budget Authority Outlays	524 379
Indian loan guaranty and insurance fund (10-76-4410-452) Budget Authority Guaranteed Loan Limitation Outlays	3,202 34,773 1,806	Salaries and expenses, General legal activities (11-05-0128-752) Budget Authority Outlays	249,676 219,216
Operations and maintenance of quarters (10-76-5051-452) Obligation limitation Outlays	7,000 5,022	Fees and expenses of witnesses (11-05-0311-752) Budget Authority Outlays	55,030 38,576
Miscellaneous permanent appropriations (Area and regional de (10-76-9925-452) Outlays	11,640	Salaries and expenses, Antitrust Division (11-05-0319-752) Budget Authority Outlays	47,192 38,697
Miscellaneous permanent appropriations (10-76-9925-808) 401(C) Authority Outlays	2,000 1,975	Salaries and expenses, United States Attorneys (11-05-0322-752) Budget Authority Outlays	399,366 351,442
Office of Territorial Affairs Administration of territories (10-82-0412-808) Budget Authority Outlays	41,112 28,080	Salaries and expenses, United States Marshals Service (11-05-0324-752) Budget Authority 401(C) Authority--Off. Coll. Outlays	196,374 4,000 180,737
Trust Territory of the Pacific Islands (10-82-0414-808) Budget Authority Outlays	43,534 38,745	Independent counsel (11-05-0327-752) 401(C) Authority Outlays	7,000 7,000
Compact of free association (10-82-0415-808) Budget Authority Outlays	17,978 17,978	Salaries and expenses, Community Relations Service (11-05-0500-752) Budget Authority Outlays	35,270 29,979
Office of the Secretary Salaries and Expenses (10-84-0102-306) Budget Authority Outlays	49,903 42,418	Support of United States prisoners (11-05-1020-752) Budget Authority Outlays	100,733 60,440
Construction management (10-84-0103-306) Budget Authority Outlays	1,883 1,697	Assets forfeiture fund (11-05-5042-752) Budget Authority Outlays	166,713 66,685
Office of the Solicitor Office of the Solicitor (10-86-0107-306) Budget Authority Outlays	24,283 21,855	United States trustees system fund (11-05-5073-752) Budget Authority Outlays	49,595 27,731
Office of Inspector General Office of Inspector General (10-88-0104-306) Budget Authority Outlays	18,694 16,825	Federal Bureau of Investigation Salaries and expenses (11-10-0200-751) Budget Authority 401(C) Authority--Off. Coll. Outlays	1,471,195 40,211 1,217,167
Department of the Interior Total Budget Authority 401(C) Authority 401(C) Authority--Off. Coll. Obligation limitation Direct Loan Limitation Guaranteed Loan Limitation Outlays	5,562,765 3,800 249,575 983,305 41,260 34,773 5,120,079	Drug Enforcement Administration Salaries and expenses (11-12-1100-751) Budget Authority 401(C) Authority--Off. Coll. Outlays	518,989 1,500 390,742
Department of Justice General Administration Salaries and expenses		Immigration and Naturalization Service Salaries and expenses (11-15-1217-751) Budget Authority 401(C) Authority--Off. Coll. Outlays	765,131 695 612,800
		Immigration legalization (11-15-5086-751) 401(C) Authority Outlays	89,786 78,620

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Immigration user fee (11-15-5087-751) 401(C) Authority Outlays	92,000 85,428	Pension Benefit Guaranty Corporation (12-12-4204-601) Guaranty Corporation fund Obligation limitation Outlays	40,552 40,552
Federal Prison System Buildings and facilities (11-20-1003-753) Budget Authority Outlays	209,469 20,947	Employment Standards Administration Salaries and expenses (12-15-0105-505) Budget Authority 401(C) Authority--Off. Coll. Outlays	218,453 1,500 188,933
National Institute of Corrections (11-20-1004-754) Budget Authority Outlays	10,005 4,002	Black lung disability trust fund (12-15-8144-601) Budget Authority Outlays	55,810 55,810
Salaries and expenses (11-20-1060-753) Budget Authority 401(C) Authority--Off. Coll. Outlays	798,878 11,825 753,184	Special workers' compensation expenses (12-15-9971-601) Obligation limitation Outlays	494 494
Federal Prison Industries, Incorporated (11-20-4500-753) Obligation limitation Outlays	2,347 2,347	Occupational Safety and Health Administration Salaries and expenses (12-18-0400-554) Budget Authority Outlays	246,494 214,450
Office of Justice Programs Justice assistance (11-21-0401-754) Budget Authority Outlays	238,052 88,079	Mine Safety and Health Administration Salaries and expenses (12-19-1200-554) Budget Authority Outlays	168,683 153,502
Crime Victims Fund (11-21-5041-754) Outlays	42,500	Bureau of Labor Statistics Salaries and expenses (12-20-0200-505) Budget Authority 401(C) Authority--Off. Coll. Outlays	186,717 626 167,282
Department of Justice Total	5,417,186 188,786 58,231 2,347 4,410,331	Departmental Management Inspector General salaries and expenses (12-25-0106-505) Budget Authority Outlays	39,200 29,641
Department of Labor Employment and Training Administration (12-05-0172-504) Budget Authority Outlays	74,572 59,658	Salaries and expenses (12-25-0165-505) Budget Authority Outlays	120,878 105,406
Training and employment services (12-05-0174-504) Budget Authority Outlays	3,955,817 122,630	Department of Labor Total	5,670,955 2,126 2,952,495 3,752,215
Community service employment for older Americans (12-05-0175-504) Budget Authority Outlays	343,848 68,770	Department of State Administration of Foreign Affairs Salaries and expenses (14-05-0113-153) Budget Authority Outlays	1,770,534 1,398,722
State unemployment insurance and employment services (12-05-0179-504) Budget Authority Outlays	23,254 5,209	Protection of foreign missions and officials (14-05-0520-153) Budget Authority Outlays	9,342 3,737
Federal unemployment benefits and allowances (12-05-0326-603) Budget Authority Outlays	134,000 134,000	Emergencies in the diplomatic and consular service (14-05-0522-153) Budget Authority Direct Loan Limitation Outlays	4,152 700 2,848
Adv. to the unemployment trust fund & other funds (Unemployment (12-05-0327-603) Budget Authority Outlays	22,000 22,000	Payment to the American Institute in Taiwan (14-05-0523-153) Budget Authority Outlays	11,418 9,614
Unemployment trust fund (Training and employment) (12-05-8042-504) Obligation limitation Outlays	997,202 398,881	Acquisition and maintenance of buildings abroad (14-05-0535-153) Budget Authority 401(C) Authority--Off. Coll. Outlays	325,217 6,633 66,473
Unemployment trust fund (Unemployment compensation) (12-05-8042-603) Obligation limitation Outlays	1,914,247 1,914,247		
Labor-Management Services Salaries and expenses (12-10-0104-505) Budget Authority Outlays	81,229 70,750		

A-35

A-34

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Representation allowances (14-05-0545-153) Budget Authority	4,671	401(C) Authority	410
Outlays	4,012	401(C) Authority--Off. Coll.	7,495
International Organizations and Conferences		Direct Loan Limitation	700
Contributions for international peacekeeping activities (14-10-1124-153) Budget Authority	30,517	Outlays	2,320,564
Outlays	30,517	Department of Transportation	
International conferences and contingencies (14-10-1125-153) Budget Authority	6,231	Federal Highway Administration	
Outlays	4,237	Access highways to public recreation areas on certain lakes (21-05-0503-401) Budget Authority	1,854
Contributions to international organizations (14-10-1126-153) Budget Authority	498,240	Outlays	371
401(C) Authority--Off. Coll.	862	Motor carrier safety (21-05-0552-401) Budget Authority	23,935
Outlays	474,190	Outlays	20,345
International Commissions		Railroad-highway crossings demonstration projects (21-05-0557-401) Budget Authority	2,695
Salaries and expenses, IBWC (14-15-1069-301) Budget Authority	10,791	Outlays	539
Outlays	9,280	Waste isolation pilot projects roads (21-05-0562-401) Budget Authority	16,093
Construction, IBWC (14-15-1078-301) Budget Authority	3,290	Outlays	3,219
Outlays	658	Expressway gap closing demonstration project (21-05-0563-401) Budget Authority	8,185
American sections, international commissions (14-15-1082-301) Budget Authority	4,523	Outlays	1,637
Outlays	3,058	Trust fund share of other highway programs (21-05-8009-401) Budget Authority	5,391
International fisheries commissions (14-15-1087-302) Budget Authority	10,948	Outlays	1,078
Outlays	10,937	Baltimore-Washington Parkway (21-05-8014-401) Budget Authority	14,792
Other		Outlays	2,958
United States emergency refugee and migration assistance fund (14-25-0040-151) Budget Authority	24,912	Highway safety research and development (21-05-8017-401) Budget Authority	6,903
Outlays	2,093	Outlays	1,380
Anti-terrorism assistance (14-25-0114-152) Budget Authority	10,214	Highway-related safety grants (21-05-8019-401) 401(C) Authority	10,000
Outlays	4,596	Obligation limitation	9,762
Soviet-East European research and training (14-25-0118-153) Budget Authority	4,775	Outlays	1,952
Outlays	2,865	Motor carrier safety grants (21-05-8048-401) 401(C) Authority	60,000
Payment to the Asia Foundation (14-25-0525-153) Budget Authority	14,221	Obligation limitation	48,778
Outlays	12,088	Outlays	17,072
International narcotics control (14-25-1022-151) Budget Authority	102,565	Federal-aid highways (21-05-8083-401) 401(C) Authority	13,701,929
Outlays	35,898	401(C) Authority--Off. Coll.	1,500
Migration and refugee assistance (14-25-1143-151) Budget Authority	359,725	Obligation limitation	12,227,640
Outlays	241,016	Outlays	2,104,654
U.S. bilateral science and technology agreements (14-25-1151-153) Budget Authority	1,972	Right-of-way revolving fund (trust revolving fund) (21-05-8402-401) Direct Loan Limitation	47,184
Outlays	1,972	Outlays	47,184
Fisherman's protective fund (14-25-5116-376) Budget Authority	995	Miscellaneous appropriations (21-05-9911-401) Budget Authority	12,425
Fisherman's guaranty fund (14-25-5121-376) Budget Authority	1,791	Outlays	2,485
Outlays	1,343	Miscellaneous trust funds--Highway (21-05-9972-401) Budget Authority	43,586
International Center, Washington, D.C. (14-25-5151-153) 401(C) Authority	410	Outlays	8,717
Outlays	410	National Highway Traffic Safety Administration Operations and research (21-10-0650-401) Budget Authority	65,320
Department of State Total	3,211,044	Outlays	42,458
Budget Authority		Trust fund share of operations and research (21-10-8016-401) Budget Authority	31,665
		Outlays	20,582

A-37

A-36

Account Title	Sequesterable Base	Account Title	Sequesterable Base
State and community highway safety grants (21-10-8020-401) 401(C) Authority	126,000	Research, engineering & development (Airport & airway trust (21-25-8108-402) Budget Authority	94,926
Obligation limitation	133,365	401(C) Authority--Off. Coll.	159,860
Outlays	53,346	Outlays	104,309
Federal Railroad Administration			
Northeast corridor improvement program (21-16-0123-401) Budget Authority	27,611	Coast Guard	
Outlays	2,761	Operating expenses	
Office of the Administrator		(21-30-0201-403) Budget Authority	1,865,985
(21-16-0700-401) Budget Authority	23,954	401(C) Authority--Off. Coll.	4,000
Outlays	18,605	Outlays	1,590,087
Railroad safety		Acquisition, construction, and improvements (21-30-0240-403) Budget Authority	256,717
(21-16-0702-401) Budget Authority	29,408	Outlays	28,239
Outlays	23,526	Retired pay (Coast Guard) (21-30-0241-403) Budget Authority	41,900
Grants to National Railroad Passenger Corporation		Outlays	41,900
(21-16-0704-401) Budget Authority	602,870	Reserve training (21-30-0242-403) Budget Authority	66,157
Outlays	542,583	Outlays	57,557
Railroad safety research and development (21-16-0745-401) Budget Authority	9,657	Research, development, test, and evaluation (21-30-0243-403) Budget Authority	19,835
Outlays	5,794	Outlays	6,744
Urban Mass Transportation Administration		Alteration of bridges (21-30-0244-403) Budget Authority	976
Urban mass transportation fund, administrative expenses (21-20-1120-401) Budget Authority	33,541	Outlays	224
Outlays	30,187	Offshore oil pollution compensation fund (21-30-5167-304) Obligation limitation	59,166
Research, training and human resources (21-20-1121-401) Budget Authority	12,681	Pollution fund (21-30-5168-304) 401(C) Authority	5,700
Outlays	3,804	Outlays	2,257
Interstate transfer grants (21-20-1127-401) Budget Authority	128,193	Deepwater port liability fund (21-30-5170-304) Obligation limitation	49,305
Outlays	19,229	Boat safety (21-30-8149-403) Budget Authority	45,776
Washington metro (21-20-1128-401) Budget Authority	187,359	Obligation limitation	22,187
Outlays	9,368	Outlays	30,128
Formula grants (21-20-1129-401) Budget Authority	1,802,438	Maritime Administration	
Outlays	688,754	Operations and training (21-35-1750-403) Budget Authority	79,056
Discretionary grants (21-20-8191-401) 401(C) Authority	1,250,000	Outlays	67,198
Obligation limitation	1,173,459	Federal ship financing fund (21-35-4301-403) Obligation limitation	3,600
Outlays	105,422	Outlays	3,420
Federal Aviation Administration		Saint Lawrence Seaway Development Corporation (21-40-8003-403) Budget Authority	11,348
Operations		Operations and maintenance (21-40-8003-403) Budget Authority	11,348
(21-25-1301-402) Budget Authority	2,445,010	Office of the Inspector General	
401(C) Authority--Off. Coll.	9,100	Salaries and expenses (21-45-0130-407) Budget Authority	29,390
Outlays	2,188,949	Outlays	25,393
Headquarters administration (21-25-1302-402) Budget Authority	37,339	Research and Special Programs Administration	
Outlays	31,789	Research and special programs (21-50-0104-407) Budget Authority	13,450
Trust fund share of FAA Operations (21-25-8104-402) Budget Authority	869,500	Outlays	8,877
401(C) Authority	870,750	Pipeline safety (21-50-5172-407) Budget Authority	8,921
Outlays	870,200	Outlays	8,858
Grants-in-aid for airports (Airport and airway trust fund) (21-25-8106-402) 401(C) Authority	1,687,544	Office of the Secretary	
401(C) Authority	1,316,937		
Obligation limitation	197,540		
Outlays	1,151,315		
Facilities and equipment (Airport and airway trust fund) (21-25-8107-402) Budget Authority	2,821		
401(C) Authority--Off. Coll.			

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Salaries and expenses (21-55-0102-407) Budget Authority	37,940	(15-15-5693-803) Budget Authority	10,411
Outlays	34,147	Outlays	10,411
Transportation planning, research, and development (21-55-0142-407) Budget Authority	5,229	Customs services at small airports (15-15-5694-808) Budget Authority	515
Outlays	2,076	Outlays	515
Payments to air carriers, DOT (21-55-0150-402) Budget Authority	24,652	Refunds, transfers and expenses, unclaimed and seized goods (15-15-8789-803) 401(C) Authority	17,230
Outlays	19,722	Outlays	17,230
Working capital fund (21-55-4520-407) Budget Authority	1,874	Bureau of Engraving and Printing (15-20-4502-803) 401(C) Authority--Off. Coll.	7,000
Outlays	1,874	Outlays	7,000
Department of Transportation Total	10,262,786	United States Mint Salaries and expenses (15-25-1616-803) Budget Authority	44,170
Budget Authority	16,841,923	401(C) Authority--Off. Coll.	109,957
401(C) Authority--Off. Coll.	17,821	Outlays	147,502
Obligation limitation	15,044,199	Bureau of the Public Debt Administering the public debt (15-35-0560-803) Budget Authority	224,493
Direct Loan Limitation	47,184	Outlays	180,044
Outlays	9,207,772	Internal Revenue Service Salaries and expenses (15-45-0911-803) Budget Authority	91,506
Department of the Treasury		Outlays	71,375
Departmental Offices	83,169	Processing tax returns and executive direction (15-45-0912-803) Budget Authority	1,807,403
Salaries and expenses (15-05-0101-803) Budget Authority--Off. Coll.	4,884	Outlays	1,445,922
Outlays	76,410	Examinations and appeals (15-45-0913-803) Budget Authority	1,870,770
Federal Law Enforcement Training Center Salaries and expenses (15-08-0104-751) Budget Authority	30,023	Outlays	1,721,109
Outlays	27,021	Investigation, collection, and taxpayer service (15-45-0914-803) Budget Authority	1,548,809
Financial Management Service Salaries and expenses (15-10-1801-803) Budget Authority	276,582	Outlays	1,393,928
Outlays	240,626	Federal tax lien revolving fund (15-45-4413-803) 401(C) Authority--Off. Coll.	5,000
Payments to the Farm Credit System Financial Asst. Corp. (15-10-1850-351) Budget Authority	86,000	Outlays	5,000
Outlays	86,000	United States Secret Service Contribution for annuity benefits (15-55-1407-751) 401(C) Authority	15,000
Saint Lawrence Seaway toll rebate program (15-10-8865-808) Budget Authority	10,084	Outlays	15,000
Outlays	9,882	Salaries and expenses (15-55-1408-751) Budget Authority	385,094
Federal Financing Bank Activities Federal Financing Bank (15-11-4521-803) 401(C) Authority--Off. Coll.	2,740	Outlays	308,076
Outlays	2,740	Department of the Treasury Total	7,865,680
Bureau of Alcohol, Tobacco and Firearms Salaries and expenses (15-13-1000-751) Budget Authority	228,700	Budget Authority	128,330
Outlays	205,830	401(C) Authority	129,581
United States Customs Service Salaries and expenses (15-15-0602-751) Budget Authority	1,014,535	401(C) Authority--Off. Coll.	7,003,682
Outlays	96,100	Outlays	
Operation and maintenance, air interdiction program (15-15-0604-751) Budget Authority	944,039	Environmental Protection Agency Construction grants (20-00-0103-304) Budget Authority	2,391,152
Outlays	145,320	Outlays	83,704
Payments to the Government of Puerto Rico (15-15-0606-751) Budget Authority	79,926	Research and development (Energy supply) (20-00-0107-271) Budget Authority	52,155
Outlays	8,096	Outlays	15,125
Customs forfeiture fund	8,096	Research and development (Pollution control and abatement) (20-00-0107-304) Budget Authority	141,276
		A-41	

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Abatement, control, and compliance (20-00-0108-304) Budget Authority	629,227	(23-30-0108-804) Budget Authority	25,650
Outlays	283,152	Outlays	23,342
Buildings and facilities (20-00-0110-304) Budget Authority	24,393	General management and administration, salaries and expenses (23-30-0110-804) Budget Authority	128,731
Outlays	4,147	Outlays	102,985
Salaries and expenses (20-00-0200-304) Budget Authority	804,489	Consumer information center fund (23-30-4549-376) Budget Authority	1,343
401(C) Authority--Off. Coll.	1,800	401(C) Authority--Off. Coll.	382
Outlays	685,616	Outlays	578
Payment to the hazardous substance superfund (20-00-0250-304) Budget Authority	248,186	General Services Administration Budget Authority	256,265
Revolving fund for certification and other services (20-00-4311-304) 401(C) Authority--Off. Coll.	1,500	401(C) Authority--Off. Coll.	6,502
Outlays	1,500	Outlays	237,133
Hazardous substance superfund (20-00-8145-304) Budget Authority	1,172,985	National Aeronautics and Space Administration Research and program management (Space flight)	873,789
401(C) Authority--Off. Coll.	13,200	Budget Authority	5,000
Obligation limitation	192,173	(26-00-0103-253) Budget Authority	720,633
Outlays	247,797	401(C) Authority--Off. Coll.	568,787
Leaking underground storage tank trust fund (20-00-8153-304) Budget Authority	15,014	Outlays	514,184
Obligation limitation	5,049	Research & program management (Space science, applications, (26-00-0103-254) Budget Authority	514,184
Outlays	2,252	Outlays	514,184
Environmental Protection Agency Budget Authority	5,479,277	Research & program management (Supporting space activities) (26-00-0103-255) Budget Authority	71,989
401(C) Authority--Off. Coll.	16,500	Outlays	51,832
Obligation limitation	197,222	Research and program management (Air transportation) (26-00-0103-402) Budget Authority	334,732
Outlays	1,364,263	Outlays	301,259
General Services Administration Real Property Activities		Space Flight, Control, and Data Comm. (26-00-0105-250) 401(C) Authority--Off. Coll.	8,368
Federal buildings fund (23-05-4542-804) 401(C) Authority--Off. Coll.	6,120	Outlays	8,368
Outlays	6,120	Space Flight, Control, and Data Comm. (space flight) (26-00-0105-253) Budget Authority	3,037,499
Personal Property Activities		Outlays	2,035,124
Federal supply service (23-10-0116-804) Budget Authority	49,224	Space Flight, Control, and Data Comm. (supporting act.) (26-00-0105-255) Budget Authority	915,866
Outlays	47,747	Outlays	476,250
Expenses of transportation audit contracts (23-10-5246-804) Outlays	15,000	Construction of facilities (Space flight) (26-00-0107-253) Budget Authority	17,854
Information Resources Management Service Operating expenses, information resources management service (23-15-0900-804) Budget Authority	32,760	Outlays	1,714
Outlays	27,846	Construction of facilities (Space science, applications, etc) (26-00-0107-254) Budget Authority	8,927
Federal Property Resources Activities		Outlays	545
Operating expenses, federal property resources service (Gene (23-25-0533-804) Budget Authority	12,449	Construction of facilities (Supporting space activities) (26-00-0107-255) Budget Authority	113,840
Outlays	7,905	Outlays	9,563
Real property relocation (23-25-0535-804) Budget Authority	5,190	Construction of facilities (Air transportation) (26-00-0107-402) Budget Authority	44,426
Outlays	2,500	Outlays	222
Expenses, disposal of surplus real and related personal prop (23-25-5254-804) Outlays	2,284	Research and development (Space flight) (26-00-0108-253) Budget Authority	959,170
General Activities		401(C) Authority--Off. Coll.	5,781
Allowances and office staff for former Presidents (23-30-0105-802) Budget Authority	918	Outlays	470,978
Outlays	826	Research and development (Space science, applications, etc) (26-00-0108-254) Budget Authority	1,953,841
Office of Inspector General		Outlays	920,259
		Research and development (Supporting space activities) (26-00-0108-255) Budget Authority	18,580
		Outlays	11,092

A-43

A-42

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Research and development (Air transportation)		(29-00-0110-703) Budget Authority	418,225
(26-00-0108-402) Budget Authority	371,181	Outlays	8,783
National Aeronautics and Space Administration		Construction, minor projects	
Total	213,058	(29-00-0111-703) Budget Authority	121,014
		Outlays	47,106
Office of Personnel Management		Readjustment benefits	
Office of Personnel Management		(29-00-0137-702) Budget Authority	589,806
Salaries and expenses		Outlays	565,330
(27-00-0100-805) Budget Authority	107,169	Grants to the Republic of the Philippines	
Outlays	101,811	(29-00-0144-703) Budget Authority	498
Government payment for annuitants, employees health benefits		General operating expenses	
(27-00-0206-551) Budget Authority	2,374,414	(29-00-0151-705) Budget Authority	814,755
Revolving fund		Outlays	749,575
(27-00-4571-805) 401(C) Authority--Off. Coll.	851	Medical administration and miscellaneous operating expenses	
Outlays	851	(29-00-0152-703) Budget Authority	49,009
Civil service retirement and disability fund		Outlays	36,757
(27-00-8135-602) Obligation limitation	65,187	Burial benefits and miscellaneous assistance	
Outlays	65,187	(29-00-0155-701) Budget Authority	132,956
Employees life insurance fund		Outlays	132,801
(27-00-8424-602) Obligation limitation	1,050	Medical care	
Outlays	1,050	(29-00-0160-703) Budget Authority	810,213
Employees health benefits fund		Budget Authority--Spec. Rules	189,970
(27-00-8440-551) Obligation limitation	10,650	401(C) Authority--Spec. Rules	477
Outlays	10,650	Outlays	875,636
Retired employees health benefits fund		Medical and prosthetic research	
(27-00-8445-551) Obligation limitation	126	(29-00-0161-703) Budget Authority	203,816
Outlays	126	Outlays	166,314
Office of Personnel Management		Grants for construction of state extended care facilities	
Total	2,481,583	(29-00-0161-703) Budget Authority	41,852
		Outlays	1,039
Small Business Administration		Direct loan revolving fund	
Small Business Administration		(29-00-4024-704) Direct Loan Limitation	750
Salaries and expenses		Vocational rehabilitation revolving fund	
(28-00-0100-376) Budget Authority	237,286	(29-00-4114-702) Direct Loan Limitation	18
Outlays	173,693	Outlays	18
Pollution control equipment contract guarantee revolving fund		Parking garage revolving fund	
(28-00-4147-376) Guaranteed Loan Limitation	51,900	(29-00-4538-703) Budget Authority	4,090
Disaster loan fund		Outlays	875
(28-00-4153-453) Direct Loan Limitation	363,300	Veterans Administration	1,079
Outlays	163,485	Total	3,186,234
Business loan and investment fund		Budget Authority	189,970
(28-00-4154-376) Budget Authority	99,556	401(C) Authority--Spec. Rules	875
Direct Loan Limitation	88,230	401(C) Authority--Off. Coll.	477
Guaranteed Loan Limitation	3,882,950	Direct Loan Limitation	1,807
Outlays	69,421	Outlays	2,583,399
Surety bond guarantees revolving fund		Other Independent Agencies	
(28-00-4156-376) Guaranteed Loan Limitation	1,621,875	ACTION	
Small Business Administration		Operating expenses	
Total	336,842	(30-01-0103-506) Budget Authority	169,676
Budget Authority	451,530	Outlays	102,993
Direct Loan Limitation	5,556,725	Administrative Conference of the United States	
Guaranteed Loan Limitation	406,599	Salaries and expenses	
Outlays		(30-02-1700-751) Budget Authority	1,959
Veterans Administration		Outlays	1,567
Veterans Administration		Advisory Committee on Federal Pay	
Construction, major projects		Salaries and expenses	
		(30-05-1800-805) Budget Authority	210
		A-45	

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Advisory Council on Historic Preservation	168	401(C) Authority	
Salaries and expenses		Outlays	20,000
(30-10-2300-303) Budget Authority	1,809	Equal Employment Opportunity Commission	567,157
Outlays	1,737	Salaries and expenses	
American Battle Monuments Commission		(30-46-0100-751) Budget Authority	190,241
Salaries and expenses		Outlays	167,987
(30-12-0100-705) Budget Authority	13,081	Export-Import Bank of the United States	
Outlays	9,418	Export-Import Bank of the United States	
Architectural & Transportation Barriers Compliance		(30-48-4027-155) Budget Authority	114,180
Salaries and expenses		Obligation limitation	20,531
(30-14-3200-751) Budget Authority	1,987	Direct Loan Limitation	716,220
Outlays	1,470	Guaranteed Loan Limitation	10,380,000
Arms Control and Disarmament Agency		Outlays	145,870
Arms control and disarmament activities		Farm Credit Administration	
(30-17-0100-153) Budget Authority	31,041	Revolving fund for administrative expenses	
Outlays	20,580	(30-52-4131-351) Obligation limitation	36,848
Barry Goldwater Scholarship Foundation		Outlays	36,848
Barry Goldwater Scholarship and Excellence in Educ. Foundati		Federal Communications Commission	
(30-18-8281-502) Obligation limitation	1,150	Salaries and expenses	
Outlays	720	(30-60-0100-376) Budget Authority	104,963
Board for International Broadcasting		Outlays	98,141
Grants and expenses		Federal Election Commission	
(30-19-1145-154) Budget Authority	192,043	Salaries and expenses	
Outlays	184,361	(30-65-1600-808) Budget Authority	14,874
Israel Relay Station		Outlays	13,387
(30-19-1146-154) Budget Authority	35,294	Federal Emergency Management Agency	
Outlays	25,482	Salaries and expenses (Defense-related activities)	
Commission of Fine Arts		(30-67-0100-054) Budget Authority	74,807
Salaries and expenses		Outlays	67,326
(30-32-2600-451) Budget Authority	467	Salaries and expenses (Disaster relief and insurance)	
Outlays	428	(30-67-0100-453) Budget Authority	57,744
National capital arts and cultural affairs		Outlays	51,970
(30-32-2602-503) Budget Authority	4,671	Emergency planning and assistance (Defense-related activities)	
Outlays	4,671	(30-67-0101-054) Budget Authority	255,672
Commission on Civil Rights		Outlays	140,620
Salaries and expenses		Emergency planning and assistance (Community development)	
(30-35-1900-751) Budget Authority	5,991	(30-67-0101-453) Budget Authority	27,179
Outlays	5,092	Outlays	14,948
Committee for Purchase from the Blind & others		Emergency food and shelter	
Salaries and expenses		(30-67-0103-605) Budget Authority	118,332
(30-37-2000-505) Budget Authority	893	Outlays	118,332
Outlays	854	Disaster relief	
Commodity Futures Trading Commission		(30-67-0104-453) Budget Authority	119,370
Commodity Futures Trading Commission		Outlays	47,748
(30-38-1400-376) Budget Authority	34,678	National insurance development fund	
Outlays	30,170	(30-67-4235-451) 401(C) Authority	15,961
Consumer Product Safety Commission		Outlays	299
Product safety		Federal Labor Relations Authority	
(30-41-0100-554) Budget Authority	34,400	Salaries and expenses	
401(C) Authority--Off. Coll.	10	(30-70-0100-805) Budget Authority	18,503
Outlays	29,250	Outlays	16,394
Corporation for Public Broadcasting		Federal Maritime Commission	
Public broadcasting fund		Salaries and expenses	
(30-42-0151-503) 401(C) Authority	228,000	(30-72-0100-403) Budget Authority	14,294
Outlays	228,000	Outlays	12,865
District of Columbia		Federal Mediation and Conciliation Service	
Federal payment to D.C. (St. Elizabeth's Hospital)		Salaries and expenses	
(30-43-1700-806) Budget Authority	562,700	(30-76-0100-505) Budget Authority	25,809
A-46		Outlays	23,667
		A-47	

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Federal Mine Safety and Health Review Commission		Salaries and expenses	
Salaries and expenses	4,111	(31-17-0100-153) Budget Authority	36,491
(30-79-2800-554) Budget Authority	3,864	Outlays	31,419
Outlays		Interstate Commerce Commission	
Federal Retirement Thrift Investment Board		Salaries and expenses	
Program expenses		(31-19-0100-401) Budget Authority	46,695
(30-81-5290-803) Obligation limitation	15,396	Outlays	42,026
Outlays	15,396	James Madison Memorial Fellowship Foundation	
Federal Trade Commission		James Madison Memorial Fellowship Foundation	
Salaries and expenses		(31-20-0200-502) 401(C) Authority	10,000
(30-84-0100-376) Budget Authority	69,797	Outlays	10,000
Outlays	63,975	James Madison Memorial Fellowship Trust Fund	
Harry S Truman Scholarship Foundation		(31-20-8282-502) Obligation limitation	250
Harry S Truman memorial scholarship trust fund		Outlays	250
(31-01-8296-502) Obligation limitation	2,125	Japan-United States Friendship Commission	
Outlays	3,010	Japan-United States Friendship trust fund	
Christopher Columbus Quincentenary Jubilee Commis		(31-21-8025-154) Budget Authority	1,248
Salaries and expenses		Outlays	1,248
(31-03-0800-376) Budget Authority	220	Legal Services Corporation	
Outlays	197	Payment to the Legal Services Corporation	
Commission on the Bicentennial of the U.S. Constit		(31-22-0501-752) Budget Authority	317,109
Salaries and expenses		Outlays	276,202
(31-04-0054-808) Budget Authority	21,873	Marine Mammal Commission	
Outlays	4,375	Salaries and expenses	
Franklin Delano Roosevelt Memorial Commission		(31-23-2200-302) Budget Authority	1,003
Salaries and expenses		Outlays	891
(31-05-0700-808) Budget Authority	28	Merit Systems Protection Board	
Outlays	23	Salaries and expenses	
Intelligence Community Staff		(31-24-0100-805) Budget Authority	22,039
Intelligence Community staff		Outlays	18,909
(31-07-0400-054) Budget Authority	23,988	Office of the Special Counsel	
Outlays	15,592	(31-24-0101-805) Budget Authority	4,926
Advisory Commission on Intergovernmental Relations		Outlays	4,379
Salaries and expenses		National Archives and Records Administration	
(31-08-0100-808) Budget Authority	1,445	Operating expenses	
Outlays	1,228	(31-26-0300-804) Budget Authority	121,608
Appalachian Regional Commission		Outlays	97,286
Appalachian regional development programs		National archives trust fund	
(31-09-0200-452) Budget Authority	110,700	(31-26-8436-804) 401(C) Authority--Off. Coll.	7,884
Outlays	7,860	Outlays	7,884
Delaware River Basin Commission		National Capital Planning Commission	
Salaries and expenses		Salaries and expenses	
(31-10-0100-301) Budget Authority	205	(31-28-2500-451) Budget Authority	3,106
Outlays	191	Outlays	2,858
Contribution to Delaware River Basin Commission		National Commission on Libraries & Info. Science	
(31-10-0102-301) Budget Authority	263	Salaries and expenses	
Outlays	263	(31-30-2700-503) Budget Authority	755
Interstate Commission on the Potomac River Basin		Outlays	680
Contribution to Interstate Commission on the Potomac River B		National Council on the Handicapped	
(31-11-0446-304) Budget Authority	379	Salaries and expenses	
Outlays	379	(31-32-3500-506) Budget Authority	935
Susquehanna River Basin Commission		Outlays	733
Salaries and expenses		National Endowment for the Arts	
(31-12-0500-301) Budget Authority	192	National Endowment for the Arts: Grants and administration	
Outlays	181	(31-35-0100-503) Budget Authority	174,309
Contribution to Susquehanna River Basin Commission		Outlays	59,259
(31-12-0501-301) Budget Authority	262	National Endowment for the Humanities	
Outlays	262	National Endowment for the Humanities: Grants and administra	
International Trade Commission		(31-36-0200-503) Budget Authority	145,971

A-48

A-49

Account Title	Sequesterable Base	Account Title	Sequesterable Base
Institute of Museum Services	67,384	Railroad Retirement Board	1,094,000
Institute of Museum Services		Railroad social security equivalent benefit account	
(31-37-0300-503) Budget Authority	22,790	(32-20-8010-601) Obligation limitation	31,671
Outlays	6,015	Outlays	31,671
National Labor Relations Board		Rail Industry Pension Fund	
Salaries and expenses	140,254	(32-20-8011-601) Obligation limitation	28,563
(31-39-0100-505) Budget Authority	131,979	Outlays	28,563
Outlays		Supplemental Annuity Pension Fund	
National Mediation Board		(32-20-8012-601) 401(C) Authority	117,618
Salaries and expenses	7,379	Obligation limitation	2,293
(31-40-2400-505) Budget Authority	5,874	Outlays	58,515
Outlays		Securities and Exchange Commission	
National Science Foundation		Salaries and expenses	
Research and related activities	1,512,310	(32-35-0100-376) Budget Authority	142,339
(31-45-0100-251) Budget Authority	753,130	Outlays	129,528
Outlays		Selective Service System	
Science and engineering education activities		Salaries and expenses	
(31-45-0106-251) Budget Authority	144,768	(32-40-0400-054) Budget Authority	26,714
Outlays	21,570	Outlays	21,933
U.S. Antarctic program		Smithsonian Institution	
(31-45-0200-251) Budget Authority	129,792	Salaries and expenses	
Outlays	64,247	(32-50-0100-503) Budget Authority	211,971
National Transportation Safety Board		Outlays	187,170
Salaries and expenses		Construction and improvements, National Zoological Park	
(31-47-0310-407) Budget Authority	25,242	(32-50-0129-503) Budget Authority	8,468
Outlays	22,788	Outlays	3,811
Neighborhood Reinvestment Corporation		Repair and restoration of buildings	
Payment to the Neighborhood Reinvestment Corporation		(32-50-0132-503) Budget Authority	20,005
(31-49-1300-451) Budget Authority	19,431	Outlays	8,002
Outlays	19,431	Construction	
Nuclear Regulatory Commission		(32-50-0133-503) Budget Authority	1,366
Salaries and expenses		Outlays	546
(31-50-0200-276) Budget Authority	420,000	Salaries and expenses, National Gallery of Art	
Outlays	315,000	(32-50-0200-503) Budget Authority	39,292
Occupational Safety and Health Review Commission		Outlays	33,673
Salaries and expenses		Salaries and expenses, Woodrow Wilson International Center	
(32-02-2100-554) Budget Authority	6,190	(32-50-0400-503) Budget Authority	4,216
Outlays	5,757	Outlays	2,589
Panama Canal Commission		Endowment challenge fund	
Panama Canal revolving fund		(32-50-8188-503) 401(C) Authority	611
(32-07-4061-403) Obligation limitation	50,287	Outlays	60
Outlays	47,773	Canal Zone biological area fund	
Pennsylvania Avenue Development Corporation		(32-50-8190-503) 401(C) Authority	150
Salaries and expenses		Outlays	130
(32-08-0100-451) Budget Authority	2,645	Other Temporary Commissions	
Outlays	2,142	State Justice Institute	
Public development		(33-02-0052-752) Budget Authority	11,409
(32-08-0102-451) Budget Authority	3,114	Outlays	3,089
Outlays	2,336	Navajo and Hopi Indian Relocation Commission	
Land acquisition and development fund		(33-02-1100-808) Budget Authority	26,270
(32-08-4084-451) 401(C) Authority--Off. Coll.	3,000	Outlays	16,550
Outlays	3,000	Interagency Council on the Homeless	
Postal Service		(33-02-1300-604) Budget Authority	779
Payment to the Postal Service fund		Comm. for the Study of Int. Mig. and Coop. Econ. Dev: S and	911
(32-10-1001-372) Budget Authority	536,646	(33-02-1400-153) Budget Authority	820
Outlays	536,646	Outlays	
Postal Service		Tennessee Valley Authority	
(32-10-4020-372) 401(C) Authority	1,059,000	TVA fund (Energy supply)	
A-50			

A-51

Account Title	Sequesterable Base
REPORT TOTAL	
Budget Authority	383,720,163
Budget Authority--ASI	62,078
Budget Authority--Spec. Rules	270,624
401(C) Authority	30,082,841
401(C) Authority--Off. Coll.	2,217,732
401(C) Authority--Spec. Rules	1,251
Obligation limitation	27,659,155
Obligat. limit.--Spec. Rules	1,319,630
Direct Loan Limitation	26,104,695
Direct Loan Floor	1,077,802
Guaranteed Loan Limitation	274,614,882
Guaranteed Loan Floor	968,532
Unobligated Balances--Defense	39,258,594
Outlays	221,493,153

[FR Doc. 88-19873 Filed 8-25-88; 2:05 pm]
BILLING CODE 3110-01-C

Account Title	Sequesterable Base
(33-16-4110-271) Obligation limitation	98,900
TVA fund (Area and regional development)	103,000
(33-16-4110-452) Budget Authority	1,100
Obligation limitation	25,338
Outlays	
United States Holocaust Memorial Council	
Holocaust Memorial Council	
(33-19-3300-808) Budget Authority	2,270
Outlays	1,795
United States Information Agency	
Salaries and expenses	
(33-22-0201-154) Budget Authority	648,920
Outlays	511,998
East West Center	
(33-22-0202-154) Budget Authority	20,760
Outlays	19,618
Radio broadcasting to Cuba	
(33-22-0208-154) Budget Authority	13,397
Outlays	10,718
Educational and cultural exchange program	
(33-22-0209-154) Budget Authority	155,742
Outlays	70,863
National Endowment for Democracy	
(33-22-0210-154) Budget Authority	17,516
Outlays	7,006
United States Institute of Peace	
United States Institute of Peace	
(33-24-1300-153) Budget Authority	4,491
Outlays	4,491
United States Sentencing Commission	
Salaries and expenses	
(33-31-0838-752) Budget Authority	6,537
Outlays	6,014
Other Independent Agencies	
Budget Authority	7,773,460
401(C) Authority	1,450,789
401(C) Authority--Off. Coll.	10,894
Obligation limitation	289,114
Direct Loan Limitation	716,220
Guaranteed Loan Limitation	10,380,000
Outlays	7,124,903
Allowances	
Allowances	
G-R-H aggregate spendout rate requirement	
(51-05-6070-929) Outlays	655,000
Allowances	
Total	655,000

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Friday
August 26, 1988

Part IV

The President

Emergency Deficit Control Measures for
Fiscal Year 1989

Initial Order of August 25, 1988

Friday
August 26, 1955

Part IV

The President

Emergency Deficit Control Measures for
Fiscal Year 1956
Initial Order of August 25, 1955

Presidential Documents

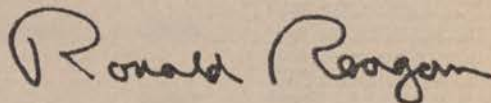
Title 3—

The President

INITIAL
ORDEREmergency Deficit Control Measures
for Fiscal Year 1989

By the authority vested in me as President under the Constitution and by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law No. 99-177), as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law No. 100-119) (hereafter referred to as "the Act"), and in accordance with the report of the Director of the Office of Management and Budget issued August 25, 1988, pursuant to section 251(a)(2)(B) of the Act, I hereby state, pursuant to section 252(a)(3), that no aggregate outlay reductions are required pending issuance of the revised report and final order.

This Order shall be reported to the Congress and shall be published in the Federal Register.



THE WHITE HOUSE,

August 25, 1988.

Presidential Documents

UNITED STATES

OFFICE

Emergency Relief Control Measures
for Fiscal Year 1933

The President

By the authority vested in me as President under

the Constitution and by the statutes of the United States

of America, including section 22 of the National Defense

and Emergency Control Act of 1932 (Public Law

No. 22-171), as amended by the National Defense and Emergency

Control Act (Public Law No. 22-171), and in

order to carry out the purposes of the Act, and in

accordance with the report of the Director of the Office of

Management and Budget dated August 22, 1932, submitted to

me under section 22(a)(1) of the Act, I hereby state, pursuant to

section 22(a)(2) of the Act, that no separate cutting reductions and

regarded as being necessary for the purpose of the Act.

Witness

My hand and the seal of the Executive Office of the President

this 22nd day of August, 1932.

Franklin D. Roosevelt

THE WHITE HOUSE

August 22, 1932

Reader Aids

Federal Register

Vol. 53, No. 166

Friday, August 26, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230
---------------------	----------

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

28855-28996	1
28997-29218	2
29219-29322	3
29323-29440	4
29441-29632	5
29633-29874	8
29875-30010	9
30011-30242	10
30243-30420	11
30421-30636	12
30637-30824	15
30825-30972	16
30973-31280	17
31281-31628	18
31629-31824	19
31825-32028	22
32029-32194	23
32195-32366	24
32367-32594	25
32595-32882	26

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:	430	29684
2	534	29684
3	536	30061
5	831	29057
6	841	29057
7	890	29686
8	1253	32623
9	1263	32623

7 CFR

1d	31630
2	32029
26	31639
27	29325
210	29144
272	31641, 31646
273	31641
278	31646
301	29633
400	31825
456	31826
704	29552
725	29221
795	29552
910	29441, 30423, 31649, 32595
915	30973
917	29875
927	29441
929	29443
944	30973
947	31650
948	29639
958	32595
967	29443
981	29222
985	31281
989	31830
993	29444
1230	30243
1446	28997
1497	29552
1498	29552
1942	30245
1945	30382
1946	32596
1948	30643
1951	30643
1955	30643
3700	32369
3701	32369

3 CFR

Proclamations:	
5843	29219
5844	29872
5845	30421
5846	30827
5847	32193

Executive Orders:

10480 (Amended by EO 12649)	30639
11269 (Amended by EO 12647)	29323
12647	29323
12648	30637
12649	30639

Administrative Orders:

Memorandums:	
July 21, 1988	
(correction)	28938
Aug. 11, 1988	30641
Presidential Determinations:	
No. 88-21 of August 1, 1988	30825
Orders:	
August 25, 1988	32881

5 CFR

870	32367
871	32367
872	32367
873	32367
890	28997, 32367, 32368
1605	31629
1630	31629
1631	31629
1650	31629

Proposed Rules:

213	30061, 31012
300	32053
359	30061

Proposed Rules:

1	30435
68	30685
277	29858
400	31874
401	29340, 29341, 32235
405	31875
441	31877
920	30288
926	31703
931	29688

9..... 29674

Proposed Rules:	165.....29458, 29678, 30261, 30839, 31858, 31859, 32390	261.....29038, 29988, 30055, 31330	483.....29590
4.....30848	Proposed Rules:	264.....31138	488.....29590
5.....30848	117.....30314	265.....31138	489.....29486
7.....30848	165.....28890	266.....31138	493.....29590
19.....32255	166.....29058	268.....31138	1003.....29486
28 CFR		271.....29460, 29461, 31000, 31138	43 CFR
0.....30989, 31322	34 CFR	272.....30054	3000.....31867, 31958
2.....29233	31.....31820	300.....30002	3100.....31866, 31867, 31958, 31959
29 CFR	327.....29988	370.....29331	3110.....31867, 31958
1926.....29116	675.....30182	700.....31248	3120.....31867, 31958
2619.....30674	706.....30790	761.....29114	3130.....31866, 31867, 31959
2676.....30675	707.....30790	799.....31804	3150.....31866, 31959
Proposed Rules:	708.....30790	Proposed Rules:	3160.....31866, 31867, 31958
1910.....29822, 29920, 30512	Proposed Rules:	Ch. I.....32081	3180.....31866, 31867, 31959
1915.....29822, 30512	74.....31580	35.....29194	3200.....31866, 31867, 31958, 31959
1917.....29822, 30512	75.....31580	50.....29346	3220.....31959
1918.....29822, 30512	76.....31580	51.....29346	3280.....31867
1926.....29822, 30512	77.....31580	52.....29236-29242, 30239, 30850, 31049	5460.....31001
2510.....29922	237.....31580	58.....29346	5470.....31001
30 CFR	263.....31580	61.....31801	8340.....31002
56.....32496	300.....31580	82.....30604	Public Land Orders:
57.....32496	356.....31580	141.....31516	6686.....30264
250.....30705	562.....31580	142.....29194, 31516	Proposed Rules:
256.....29884	630.....31580	145.....30852	3480.....32631
901.....32049	653.....31580	156.....32322	5450.....31055
904.....32220	762.....31580	170.....32322	44 CFR
925.....30449	36 CFR	180.....29244, 31049, 31050, 32257, 32494	64.....29053
944.....31324	7.....29681	228.....31052, 32628	65.....31868
946.....30450	Proposed Rules:	248.....29166	67.....31057, 31869, 31870
948.....32617	7.....28891, 30849	261.....28892, 29058, 29067	Proposed Rules:
Proposed Rules:	13.....29746	271.....32326	67.....28896, 28897, 31892
7.....32257	222.....30954	300.....29484, 30005, 30452	45 CFR
20.....30312	37 CFR	304.....29428	206.....30432
25.....32257	202.....29887	799.....31814	233.....30432
75.....30312, 32257	Proposed Rules:	41 CFR	400.....32222
77.....30312	202.....29923	101-7.....29045	801.....29894, 30379
256.....31424	38 CFR	101-26.....29234	1180.....31336
281.....31424	4.....30261	101-40.....29046	1607.....30678, 32322
282.....31442	17.....32390	101-47.....29892	46 CFR
701.....29310	21.....28883, 32390, 32619	105-56.....31863	25.....31004
773.....29343	Proposed Rules:	201-1.....30706	30.....28970
785.....29310	3.....32627	201-2.....30706	31.....32225
843.....29343	21.....30314	201-11.....29051	32.....32050
935.....29746	39 CFR	201-23.....30706	61.....32225
31 CFR	232.....29460	201-24.....30706	71.....32225
103.....32221	Proposed Rules:	201-30.....29051	72.....32050
565.....32221	111.....29483, 29748, 30452, 32406	201-31.....29051	91.....32225
Proposed Rules:	232.....29750	201-32.....29051	92.....32050
103.....31370, 32323	40 CFR	Proposed Rules:	98.....28970
210.....30512	23.....29320	101-1.....28895	151.....28970
32 CFR	52.....28884, 29890, 30020, 30224, 30427, 30428, 30998, 31328, 31329, 31860, 31861, 32049, 32391, 32392	105-1.....28896	153.....28970
173.....30839	60.....29681	201-1.....32085	167.....32225
191.....30990	62.....30051, 31862	201-2.....32085	169.....32225
199.....28873, 30994	82.....30566	201-23.....32085	189.....32225
239a.....30676	148.....30908	201-24.....32085	190.....32050
239b.....30676	152.....30431	42 CFR	382.....31870
375.....30996	153.....30431	498.....31334	Proposed Rules:
385.....29329, 30754	156.....30431	Proposed Rules:	571.....30852
386.....29454	158.....30431	74.....29590	581.....30852
387.....29330, 30754	162.....30431	90.....32259	47 CFR
389.....29455	163.....30431	405.....29486, 29590, 31888	0.....29053
706.....30426	166.....29037	410.....29486	1.....28940, 32394
838.....30253	168.....29037	413.....31888	15.....32051
1900.....32388	180.....29891, 30053, 30676, 30999	416.....29590	32.....30058
33 CFR		433.....30317, 31801	64.....29053
1.....30259		434.....32406	69.....30059
100.....29456, 29457, 29676- 29678, 31326, 31856		435.....32252	73.....29056, 29462-29464, 29895-29897, 30840, 30841, 31339, 31340
110.....29032		436.....32252	
117.....28883, 29032, 29034, 29680, 30260, 31857, 32389		440.....29590	
		482.....29590	

87.....28940
94.....30059
300.....30060

Proposed Rules:

1.....30853, 31377
2.....30075
22.....30075
36.....29493
73.....29493, 29751, 29925-
29927, 30076, 30853, 30854,
31894, 32633, 32634
74.....29493
80.....30075
90.....30075
94.....30853, 31377

48 CFR

204.....32620
208.....29332
215.....32620
223.....32620
252.....29332, 32620
504.....30841
505.....28885
514.....28885, 30841
515.....30841
522.....30841
525.....28885
532.....30841
534.....30841
536.....30841
537.....30841
552.....30841
553.....30841, 32820
1246.....30176
1252.....31006
1505.....31871
1506.....31871

Proposed Rules:

2.....30818
12.....32561
14.....30818
15.....30818
25.....32558
52.....30818, 31280, 32558,
32561
215.....29347
927.....29494

49 CFR

7.....30265
191.....29800
192.....32263
193.....32263
195.....29800, 32263
571.....30433, 30680, 31007
580.....29464
585.....30434
1150.....31341

Proposed Rules:

24.....28995
393.....31378
571.....30855, 31378, 31379,
31712, 31716, 32409
1004.....29498
1041.....29498
1042.....29498
1152.....29245
1312.....31720

50 CFR

17.....29335, 32824, 32827
20.....29897, 31341, 31612
23.....30682
215.....28886
285.....30845, 31701, 32621

611.....29337, 31009, 32051,
32394
641.....30846
661.....29235, 29337, 29467,
30285, 30286, 31343,
31344, 31872, 32233
662.....32394
663.....29338, 29480, 29907,
31009, 32621
672.....31010, 32051
674.....31010

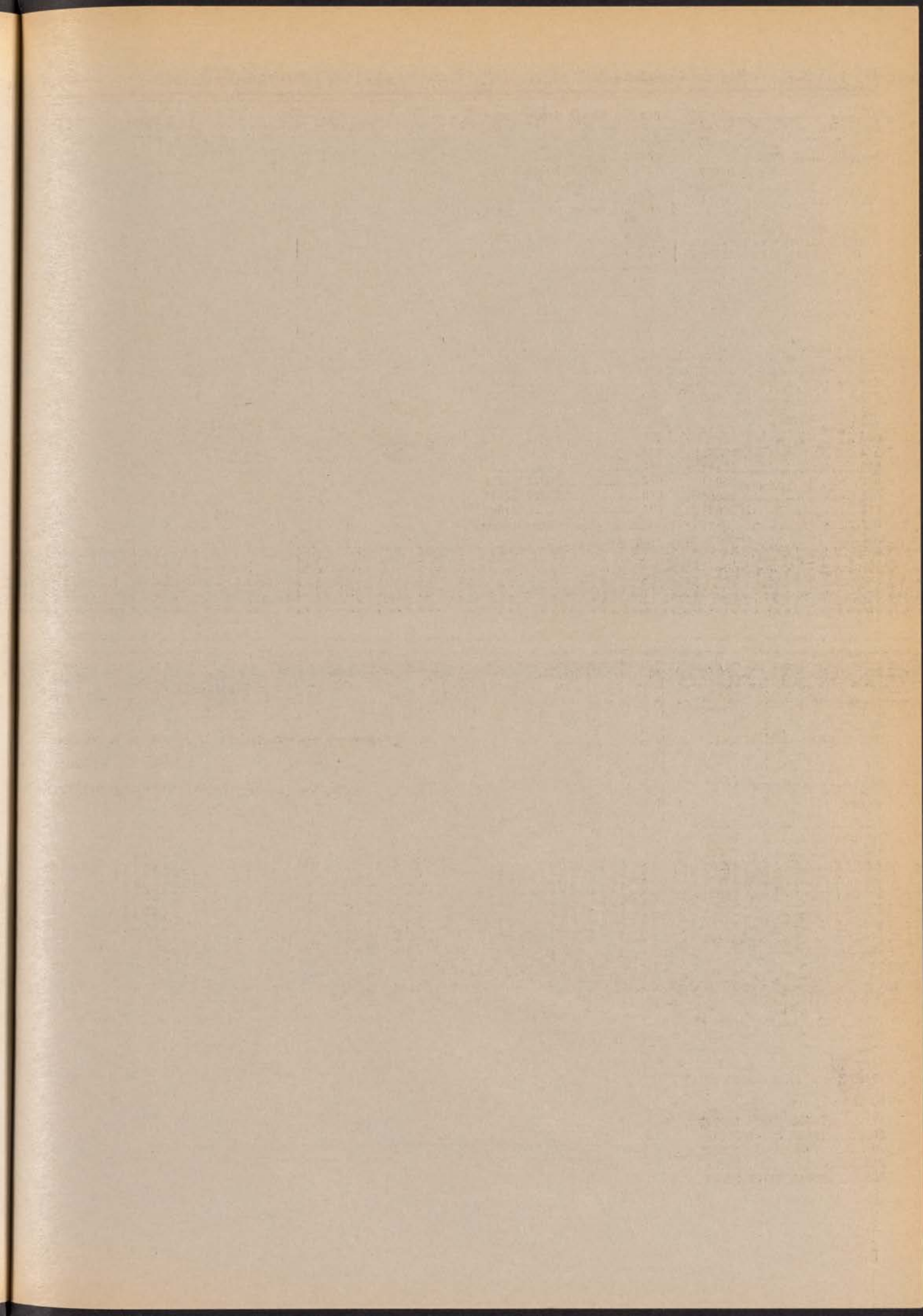
Proposed Rules:

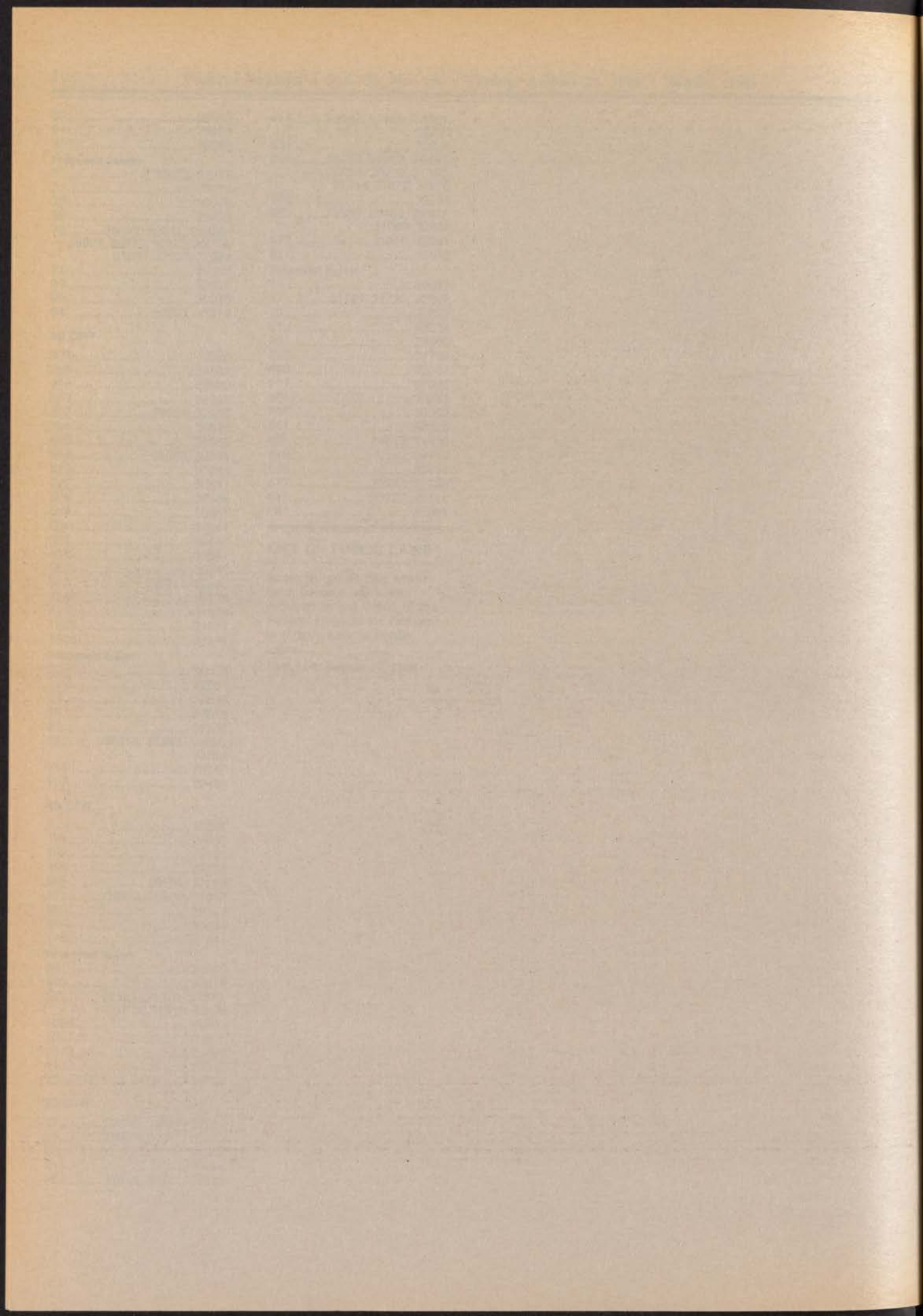
14.....30077
17.....31721-31723, 32322
20.....30622
21.....32634
80.....29500
216.....31725
600.....30082
601.....30082
604.....30082
605.....30082
611.....30322
625.....29549, 31416
646.....32412
658.....32264
672.....30322, 31728
675.....30322, 32415
681.....31381

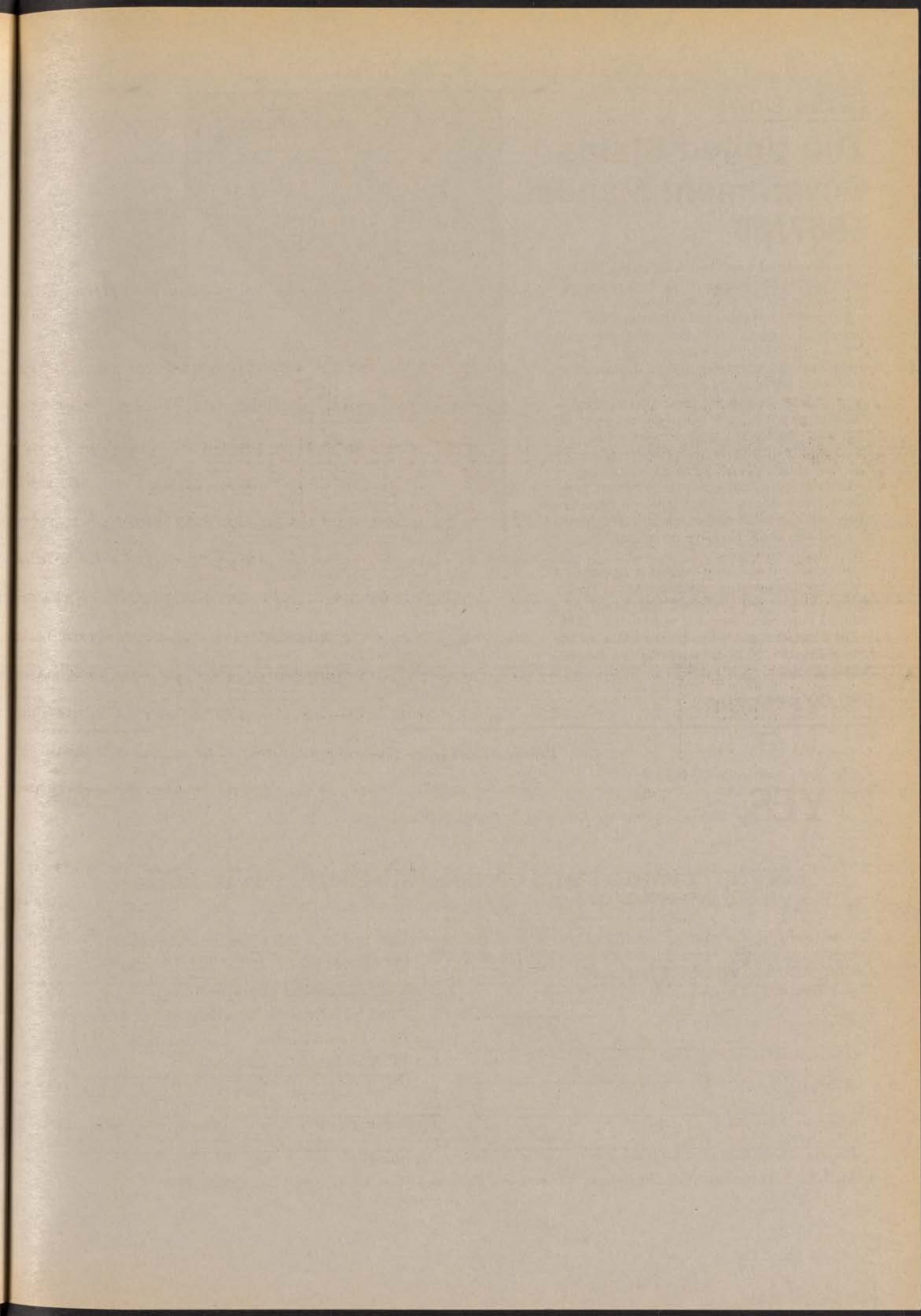
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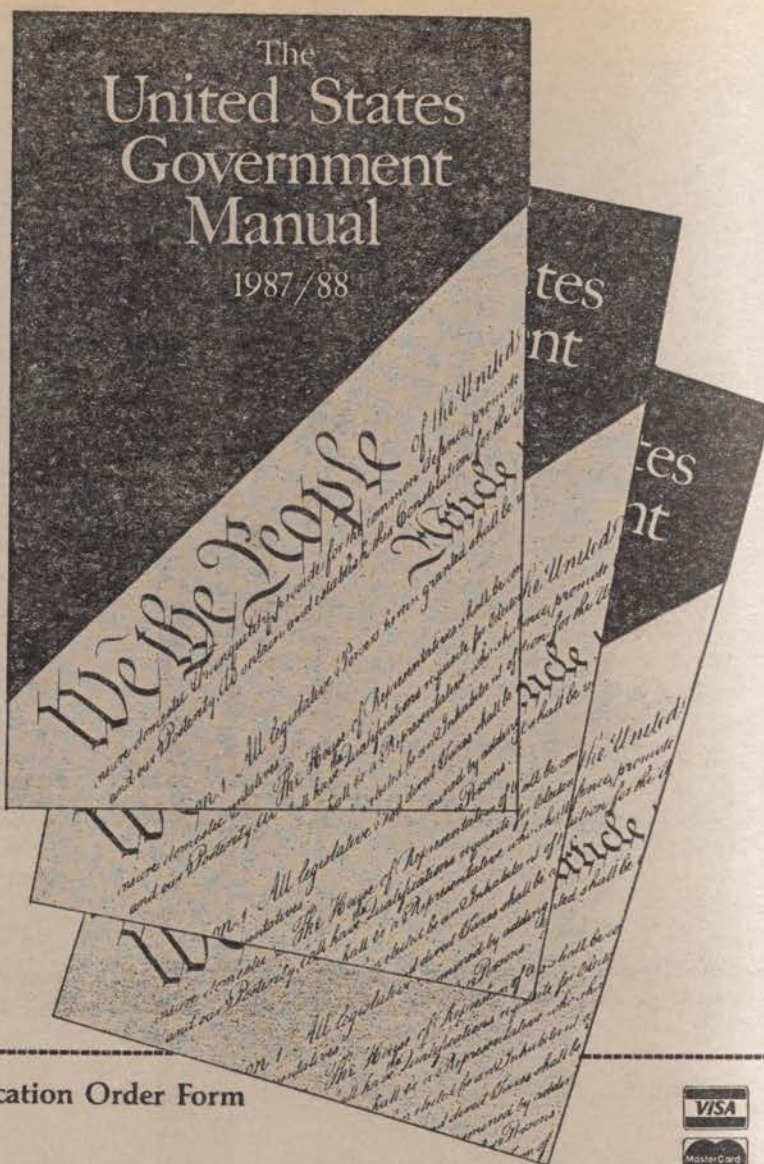
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